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ARTICLE I. TITLE, AUTHORITY, PURPOSE

Section 1.00. Title

This resolution shall be known as and referred to as the "Rutherford County Zoning Resolution".

Section 1.01. Authority

A resolution in pursuance of the authority granted in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated, to promote the public health, safety, and welfare, in the portions of Rutherford County which lie outside the planning jurisdictions of the municipal corporations of Eagleville, LaVergne, Murfreesboro, and Smyrna, Tennessee.

Section 1.02. Purpose

The purpose of this Resolution is the promotion of the health, safety, and general welfare of the present and future inhabitants of Rutherford County, Tennessee by:

- A. Dividing the unincorporated areas of Rutherford County into districts according to the use of land and buildings, the intensity of such use (including bulk and height), and surrounding open space.
- B. Controlling and regulating the growth of Rutherford County, concentrating development in areas where adequate sewerage facilities, soils, roads, and schools can be provided, and limiting development in areas where these facilities are not and should not be provided.
- C. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
- D. Lessening the danger and congestion of traffic on the roads and highways, limiting excessive numbers of intersections, driveways, highways, driveways, and other friction points, minimizing other hazards, and insuring the continued usefulness of all elements of the existing highway system for their planned function.
- E. Securing safety from fire, panic, flood, and other dangers.
- F. Providing adequate privacy, light and air.
- G. Protecting the tax base by facilitating cost-effective development within Rutherford County.
- H. Securing economy in local governmental expenditures.
- I. Conserving the values of property throughout Rutherford County.
- J. Protecting landowners from adverse impacts of adjoining developments.

Each purpose listed above serves to balance the interests of the general public of Rutherford County and those individual property owners.

Section 1.03. Terms of Compliance

The Rutherford County Zoning Resolution contains few uses-by-right and even fewer prohibited uses. Uses-by-right are considered compatible by nature and not subject to approval by way of the reclassification process. Major commercial, industrial, and multi-family developments not specifically prohibited are required to obtain a reclassification permit in accordance with Article

IV of this Resolution. All other development not specifically permitted or prohibited shall obtain a Conditional Use Permit in accordance with Articles VI and VII of this Resolution.

Section 1.04. Uses-By-Right

The following development shall be by right within residential districts.

- A. Agricultural—Agricultural uses as defined by Article II, Section 2.02: Definitions of this Resolution. (Amended 8-11-05)
- B. "any building or other structure on lands now devoted to agricultural uses or which may hereafter be used for agricultural purposes ..." (T.C.A. 13-7-114).
- C. Construction and placement of single family residences, and churches, on lots of record as permitted; included are additions to these units, provided those additions are for residential purposes, and accessory building, provided they are to function solely as accessories to the principal use and be residential in nature.
- D. Placement of Factory Built Housing on lots of record as permitted, included are additions to these units, provided those additions are for residential purposes, and accessory buildings, provided they are to function solely as accessories to the principal use and be residential in nature. The following types of Factory Built Housing are a use by right:
 - Modular Homes
 - Panelized Homes
 - Pre-Cut Homes
 - Type "A" Manufactured Homes when complying with the following:
 1. Installed on a permanent foundation either slab or pier construction that meets County Building Codes.
 2. Have a roof pitch of a minimum vertical rise of two and one-half (2 ½) feet for every twelve (12) feet of horizontal run.
 3. The roof shall be finished with a type of shingle that is commonly used in standard residential construction or a standing seam metal roof.
 4. The exterior siding shall consist of wood, hard board, aluminum or vinyl comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction of site built homes.
 5. A masonry curtain wall, un-pierced except for the required ventilation and access, shall be installed so that it encloses the area under the home to ground level.
 6. Tie downs, as recommended by the Manufacture and the Rutherford County Building Codes Department, shall be required.
 7. The tongue, axles, transporting lights, and towing apparatus shall be removed from the home and the site prior to occupancy of the Manufactured Home.
 8. A landing will be required at each outside door. The structure must include steps that lead to ground level. Both landing and steps must meet the Building Codes of Rutherford County.

If the Type "A" manufactured Home does not comply with the above standards, then it is a use-by-right only in an approved Manufactured Home Park or on a five (5) acre or larger tract of land. In all other circumstances it will be considered a conditional use.

A Type "B" Manufactured Home and a Mobile Home is a use-by-right only in an approved Manufactured Home Park or on a five (5) acre or larger tract of land. In all other circumstances they are to be considered a conditional use.

- E. Religious meeting places with parsonage subject to review by the County Engineer for site suitability and by Building Codes for structure design.

- F. Minor home occupations, as regulated in Article XIII (Amended November 13, 2008).

Section 1.05. Prohibited Uses

The following development shall be prohibited in the unincorporated area of Rutherford County:

- A. Operation of any development whose use of the underground water supply or springs would have a negative impact on the amount of such water available on adjacent property;
- B. Operation of any development which will pollute or contaminate the surface or underground water supply or which will produce noxious odors or fumes emanating off-site; and
- C. Installation of signs, whether for temporary or permanent use, which blink, flash, or move in any way, except informational/public service signs.

Section 1.06. Conditional Uses

All development which is not a use-by-right, or not prohibited shall be considered a conditional use in the appropriate zone, and shall be taken through the appropriate approval process in accordance with Articles IV or VI of this Resolution.

Section 1.07. The Burden of Proof

The burden of proof shall rest with the developer/applicant in all proceedings pursuant to this Resolution.

Section 1.08. Zoning District Assigned to De-Annexed Property

If a property is de-annexed it shall come back under the County zoning jurisdiction as the zoning district it had prior to annexation.

Section 1.09. Conflict With Other Regulations (Added August 2008)

Whenever regulations imposed by this resolution are less restrictive than regulations imposed by any governmental authority through regulation, rule, or restriction, the regulations imposed by that authority shall govern. Whenever regulations imposed by this resolution are more restrictive than regulations imposed by any governmental authority through regulation, rule, or restriction, the regulations imposed by this resolution shall govern. In cases of conflicts within this resolution, then the stricter regulation shall apply.

Regardless of any other provision in this resolution, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations.

Section 1.10. Severability (Added August 2008)

If any of the provisions of this Resolution or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end, the provisions of this resolution are declared to be severable.

ARTICLE II. INTERPRETATION AND DEFINITIONS

Section 2.00. Purpose

It is the purpose of this article to define words, terms, and phrases contained within this Resolution.

Section 2.01. Word Usage

In the interpretation of this Resolution, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number include the plural number, and words used in the plural number include the singular number.
- C. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- D. The word "shall" is mandatory.
- E. The word "may" is permissive.
- F. The word "person" includes individuals, firms, corporations, associations, and other similar entities.
- G. The word "Commission" means Rutherford County Regional Planning Commission.
- H. The word "County" means Rutherford County, Tennessee.
- I. In case of any differences in meaning or implication between the text of this Article and any caption, illustration or table, the text of this Article shall control.
- J. Words not specifically defined herein shall be interpreted in accordance with their usual dictionary meaning and customary usage.
- K. The word Government/Legislative Body shall refer to the Rutherford County Board of Commissioners.

Section 2.02 Definitions

When used in the Resolution, the following terms shall have the meaning herein ascribed to them:

ABUTTING. Having a common border with, or being separated from such common border by an alley or easement.

ACCESS. A means of vehicular approach and entry to or exit from property.

ACCESSORY DWELLING UNIT (ADU). A second self-contained living unit subordinate in size to a single-family dwelling. ADUs may be created within or detached from the single-family dwelling.

ACCESSORY STRUCTURE OR USE. An accessory structure or use is a structure or use which:

- A. Is subordinate to and serves a principal building to a principal use.
- B. Is subordinate in area, extent and purpose to the principal structure or principal use served.
- C. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or principal use served.
- D. Is located on the same zoning lot as the principal structure or principal use served.

ACRE. Forty-three thousand, five hundred and sixty (43,560) square feet.

AGGREGATE. Constituting or amounting to a whole; total; aggregate sign area.

AGRICULTURAL EMPLOYEE HOUSING. A self-contained living unit created solely for the purpose of housing farm workers in conjunction with a bona fide agricultural or farming activity.

AGRICULTURAL Farms (See FARMS) that involve the production for sale of plants and animals useful to man, including but not limited to: forages (See FORAGES) and sod (See SOD) crops; grains and seed crops; dairy animals and dairy products; poultry, and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, includes the breeding and grazing of any or all of such animals; bees and apiary products; horticulture (See HORTICULTURE); trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, and greenhouse products (wholesale nurseries(See NURSERY—WHOLESALE)); or lands devoted to a soil conservation or forestry management program. Retail Nurseries (See NURSERY—RETAIL), Commercial Feed Lots (See COMMERCIAL FEED LOTS), the raising of fur-bearing animals, and dog kennels (See KENNELS) are not considered to be normal agricultural uses, and as such, shall comply with Article VI of this Resolution.

ALLEY A thoroughfare either used as such or shown on any recorded description of the subject parcel(s) which is not more than thirty (30) feet wide and which affords only a secondary means of access to abutting property.

AMENITY. Specific physical features of a development which are not required by the provisions of this Resolution.

AMENITY INCENTIVE. An increase in the floor area or density otherwise permitted in a zoning district for the provision of specified amenities.

APARTMENT. A housing structure containing three (3) or more separate dwelling units.

APPEAL. A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Resolution.

APPROVED. Means acceptable to the appropriate authority having jurisdiction.

ARTERIAL ROAD OR STREET. A road so designated on the Rutherford County Long-Range Transportation Plan.

AUTOMOTIVE DISMANTLERS AND RECYCLERS. Any person, firm, association, corporation, or trust resident or nonresident who is engaged in the business and/or providing facilities for the purpose of recovering parts from automobiles and trucks which have been wrecked or otherwise rendered inoperable as transportation vehicles with said parts recovered being for resale and further reduce used automobiles and trucks to a condition capable of salvage for metal scrap content by scrap processors.

AUTOMOTIVE SERVICE STATION. Any building, structure or land used for the dispensing, sale or offering for sale at retail of automotive fuel oils and accessories in connection therewith for

the servicing of motor vehicles. When such dispensing, sale or offering for sale is incidental to the conduct of a commercial garage, the premises shall be classified as a commercial garage.

BASEMENT. A story partly underground and having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if subdivided and used for dwelling or business purposes.

BILLBOARD. Any sign or advertisement used as an outdoor display by painting, posting or fixing on any surface, of a picture, emblem, word, figures, numerals, or lettering for the purpose of making anything known.

BOARDINGHOUSE OR HOME FOR THE ELDERLY. A building where meals and lodging are provided for compensation for five or more persons, who are not transients, by prearrangement for definite periods, provided that no convalescent or chronic care is given.

BUILDING. A structure built, maintained, or intended for use or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances and divided by party walls, each unit is considered a separate building.

BUILDING CODE. Unless otherwise designated, this term shall mean Standard Building Code and its amendments.

BUILDING FRONT OR FRONTAGE. The exterior wall of a building facing the front lot line of a lot.

BUILDING HEIGHT. The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs or to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING INSPECTOR. The person appointed by the Board of Commissioners having jurisdiction over the county for the enforcement of the building code and other local developmental regulations, including this Resolution.

BUILDING LINE. The line established by this Resolution beyond which a building shall not extend.

BUILDING OFFICIAL. The chief administrative head of the Rutherford County Building Department.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which said building is situated.

BULK.. The minimum or maximum lot area, yard area, height, dwelling unit density or land use intensity ratios permitted or required in any zoning district.

BUS TERMINAL OR SERVICE FACILITY. Any building where bus trips begin or terminate or the building or land where buses used in such trips are parked, serviced, or repaired.

CELLAR. A portion of a building located partially underground having more than 50% of its clear floor to ceiling height below ground.

CERTIFICATE OF ZONING COMPLIANCE. The authorization of the Planning Department to occupy premises affirming that the use and conditions of the premises comply with these regulations. The certificate is required of all uses other than residential.

CLUB. A building or premises, owned or operated by a corporation, association, person or persons for social, educational, or recreational purpose to which membership is required for participation and not operated primarily for profit or to render a service normally carried on as a business.

COLLECTOR ROAD OR STREET. A street that collects traffics from local streets and connects with minor and major arterials. A roadway so designated by the Rutherford County Long-Range Transportation Plan.

COMMERCIAL CENTER. A commercial tract occupied by three (3) or more establishments.

COMMERCIAL FEED LOTS. A single plot or parcel of land where the sole use is for the fattening of livestock (See LIVESTOCK) for market and is not used in conjunction with any other type of agricultural use located on that same plot or parcel of land.

COMMON AREA. Any area or space designed for joint use of those who reside in the development.

CONTRACTOR. A person who contracts to erect structures or buildings, construct streets, lay pipe, move earth or otherwise do land development. A contractor includes a person who contracts to perform all or part of another's contract as defined above.

CONTRACTOR'S STORAGE. The use of land or building for the storage or parking of materials, equipment, vehicles or supplies used by a contractor off the premises on which such storage is located.

CHURCH. A place devoted to religious worship, education, and social gatherings, but excluding private schools.

COUNTRY CLUB. A private club for members, their families and guests, for the purpose of social and recreational activities.

CULTIVATON. Production of food by preparing the land to grow crops.

DAY CARE CENTER. A place operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of thirteen (13) or more children under the age of seventeen (17) for less than twenty-four hours per day, without transfer of custody. All Day Care Centers must be licensed by the Tennessee Department of Human Services

DEDICATION. The transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of less than fee interest, including the easement.

DENSITY. A quotient of the total number of dwelling units divided by the base site area of a site.

DEPARTMENT OR DISCOUNT STORE.. A retail establishment with 35,000 or more square feet of floor area which sells a general line of merchandise including, but not limited to, furniture or major home appliances.

DEVELOPER. The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DEVELOPER (MOBILE/MANUFACTURED HOME PARK). Any person, firm, or corporation having a proprietar interest in a mobile home park for the purpose of proceeding under this Resolution.

DEVELOPMENT. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Resolution.

DIAGONAL TIE. Any tie down designed to resist horizontal forces which does not deviate less than 30 degrees from a vertical direction.

DISTRICT. A portion of the County within which specified regulations and requirements thereof apply pursuant to the provisions of this Resolution.

DRAINAGE. The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water, supply preservation or prevention or alleviation of flooding.

DRUG AND/OR ALCOHOL TREATMENT FACILITY, NONRESIDENTIAL. Nonresidential drug and/or alcohol treatment facilities provide outpatient treatment for individuals with drug and alcohol dependency.”

DWELLING UNIT. Any building or portion thereof providing complete independent permanent facilities for living, sleeping, cooking eating, and sanitation designed for or used exclusively as living quarters by one family but not including a tent, seasonal quarters, travel trailer, a room in a hotel, motel, or boarding house.

DWELLING, MULTIPLE-FAMILY. A building containing three or more dwelling units, including units that are located one over the other. (Multifamily buildings include garden apartments, mid-rise, and high-rise apartment buildings)

DWELLING, SINGLE FAMILY ATTACHED. A dwelling designed for and occupied by not more than one family having a wall in common with one other dwelling unit.

DWELLING, SINGLE FAMILY DETACHED. A dwelling designed for and occupied by not more than one family and surrounded by open space or yards and having no roof, wall, or floor in common with any other dwelling unit.

DWELLING, TOWNHOUSE. A row of three or more adjoining dwelling units each of which is separated from the others by one or more unpierced common walls extending from ground to roof.

DWELLING, TWO FAMILY. A building on a single lot contains two dwelling units.

EASEMENT. Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

EAVE. The overhanging lower edge of a roof.

ELECTRIC FEEDER. That part of the electric distribution system between the transformer and the electrical connections of a mobile home.

ELEMENT, COMMON. An amenity or facility, whose maintenance is the responsibility of a homeowners association or comparable group of owners in a non-residential development, which is regularly available for use by the occupants of more than one dwelling or structure, including, but not limited to, undedicated streets or drives, recreational and parking facilities, open space and sanitary and storm sewers or other drainage facilities.

ENLARGEMENT. An addition to the floor area of an existing building, an increase in the size of any other existing structure or an increase in the portion of a tract of land occupied by an existing use.

EROSION. The detachment and movement of soil or rock fragments by water, wind, ice and/or gravity.

EXCEPTION. A waiver from the provisions of this Resolution, which relieves the applicant from the requirements of a rule, regulation, order, or other determination, made or issued pursuant to this Resolution.

EXISTING CONSTRUCTION. Any structure for which the “start of construction” commenced before the effective date of this Resolution.

EXISTING STRUCTURES. See “Existing Construction”.

EXTERIOR STORAGE. Outdoor storage of fuel, raw materials, products, and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of floodplain management regulations adopted by Rutherford County.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

FACTORY BUILT HOUSING. Dwelling Units that are built in a factory and are transported to the site and installed. The following are the different types of Factory Built Housing:

- A. **Manufactured Home – Factory built homes constructed after June 15, 1976 :**
 - 1. **Type A – (Double Wide) Multi-Section Home** which is delivered to the home-site in two or three sections.
 - 2. **Type B – (Single Wide) Single Section Home** which is delivered to the home-site in one intact section.
- B. **Mobile Home – A factory built dwelling that was constructed prior to June 15, 1976 (HUD Code Adopted).**
- C. **Modular Home – These factory built homes are constructed to the State, Local or Regional codes where the home will be located. Multi-section units are transported to the site and installed.**
- D. **Panelized Home – Factory built homes in which whole walls (panels) with windows, doors, and wiring and outside siding are transported to the site and assembled. These homes must meet state and local building codes where they are sited.**
- E. **Pre-Cut Homes – Factory built housing in which building materials are factory-cut to design specifications, transported to the site, and assembled. Pre-cut homes include kit, log, and dome homes. These homes must be constructed to meet local or state building codes.**

FAMILY. In addition to customary domestic servants, either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than four persons who are not related by blood, or adoption, living together as a common household in a dwelling unit, or (c) a group of not more than eight unrelated mentally or physically handicapped persons which may include two additional persons, acting as house parents or guardians, who need not be related to each other, or any of the mentally or physically handicapped persons in the group and have been licensed by the state of Tennessee to operate as a group home (excluding persons who are mentally ill).

FAMILY DAY CARE HOME. A home operated by any person who receives pay for providing less than twenty-four hour supervision and care, without transfer of custody, for five, six or seven children under seventeen years of age who are not related to the operator and whose parents or guardians are not residents of the household.

FAMILY BOARDING HOME. A home operated by any person who receives pay for providing less than twenty-four hour for children, not to exceed six in number, who are not related to such person, and whose parents or guardians are not residents of the same household, for supervision, care, lodging, and maintenance.

FARM. A parcel of land equal to or exceeding **five (5) acres** in size and used for residential and agricultural purposes.

FILLING. The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODWAY. The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one foot above the predevelopment conditions.

FLOODWAY FRINGE AREA. Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

FLOODPROOFING. Any combination of structural or non-structural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

FLOODPLAIN. A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the usual and rapid accumulation of runoff of surface waters from any source. For the purpose of this Resolution the land subject to inundation by the 100-year flood, i.e., the 100-year floodplain.

FLOOR AREA. The sum of the horizontal areas of the several floors of all buildings on a lot measured from the exterior face of exterior walls. The following shall be excluded from calculations of the floor area:

- A. Open exterior balconies or other open spaces.
- B. Uncovered terraces, patios, porches, atriums or steps.
- C. Garages, carports, or other areas, enclosed or unclosed, used for the parking or circulation of motor vehicles.
- D. Areas for housing major mechanical equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units.

- E. Areas of common special purpose used by a substantial portion of the occupants of the premises, including laundries, recreation areas, sitting areas, libraries, storage areas, common halls, lobbies, stairways and elevator shafts, attics and areas devoted exclusively to management and/or maintenance of the premises, but not including incidental commercial activities.

FLOOD AREA RATIO (FAR). The total square foot amount of floor area on a lot for each square foot of gross land area.

FORAGE. Food of any kind for animals, especially for horses and cattle, as grass, pasture, hay, corn or oats.

FRATERNITY AND SORORITY HOUSES. A dwelling maintained exclusively for members of an organization that is affiliated with an academic or professional college, university, or other recognized institution of higher learning.

FRONTAGE. The side of the lot abutting on a street; the front lot line.

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage of related manufacturing facilities.

GARAGE, COMMERCIAL. A building, or portion thereof, other than a private garage, used primarily for the parking and storage of vehicles.

GARAGE, PRIVATE RESIDENTIAL. A garage which is accessory to a residential building and is used primarily for the parking and storage of vehicles owned or operated by the residents of dwelling units located in such buildings, and not as a separate commercial enterprise available to the public at large.

GARDEN CENTER. A place of business where retail and wholesale products and produce are sold to the retail customer. The centers, which may include nursery and/or greenhouses, import most of the items sold. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, hoes, rakes, shovels, and other garden and farm tools and utensils.

GAS STATION. An establishment providing sales of vehicle fuel and such services as lubrication, oil, tire changes, and minor repair.

GRADE. 1) For building and structures more than five feet from any street line, the average level of the finished surface, adjacent to the building or structure. 2) For buildings or structures any portion of which is located within five feet of a street line or lines, the curb level or the average of the curb levels, or their equivalent established ground surface, adjacent to such street line or lines.

GREENHOUSE. An enclosed building, permanent or portable, which is used for the growth of small plants.

GROSS LAND AREA. The area of a lot within the property lines, plus not more than one-half the width of abutting public street and alley right-of-way. (To be used for multiple-family dwelling purposes only.)

GROUND ANCHOR. Any device at a mobile/manufactured home stand designed for the purpose of securing a mobile/manufactured home to the ground.

GROUP DAY CARE HOME. Any place operated by a person, social agency, corporation, institution, or any other group which receives eight (8) or more children under seventeen (17) years of age less than twenty-four (24) hours per day for care outside their own homes, without transfer of custody. A group day care home for not more than (12) children.

GROUP DWELLING. The residence of a group of six (6) or more persons, not related by blood, marriage, adoption, or guardianship and living together as a single housekeeping unit.

GROUP SHELTER. A residence operated by a public or private agency, which may provide a program of services in addition to room and board to persons on a voluntary basis under continuous protective supervision (includes group homes for the mentally or physically disabled excluding persons who are mentally ill).

HEALTH OFFICER. The Director of the county district health department having jurisdiction over the public health in Rutherford County, or their duly authorized representative.

HISTORIC STRUCTURE. Any structure that is: Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or Directly by the Secretary of the Interior in states without approved programs.

HOME BASED BUSINESS. Any business, occupation, or activity undertaken for gain that is incidental and secondary to the residential use of the property and is within a residential dwelling unit or an approved accessory structure (Added November 13, 2008).

HOMEOWNERS ASSOCIATION. A group of owners of property in a development which are responsible for the enforcement of rules and regulations governing the common elements of such development.

HORTICULTURE. The cultivation of plants.

HOSPITAL. An institution providing health services and medical or surgical care, primarily for temporary in-patients, to persons suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities. "Hospital" does not include institutions for the permanent care of or occupation by the poor, infirm, incurable, or insane.

HOTEL. A building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging house or an apartment.

IMPERVIOUS SERVICE. Those surfaces which do not absorb water. They consist of all buildings, parking areas, driveways, road, sidewalk, and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

INTERNAL STREETS. In privately owned mobile home parks, this term shall mean a private street owned, constructed, and maintained by the developer which access to all spaces and facilities for common use by park occupants.

INSTITUTION. A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of non-profit character to the public.

JUNKYARD. Any land or structure used for the storage and/or sale of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage, and/or the salvage of four or more unlicensed, inoperative vehicles.

KENNEL. Any place in or at which any number of dogs, cats, etc., are kept for the purpose of sale or in connection with boarding care or breeding, for which a fee is charged.

LANDFILL. Land area consisting of waste, rubbish, or garbage which has been treated or disposed of in accordance with all applicable laws.

LANDMARK BUILDING. A building which with the approval of the building owner has been designated by the legislative body to be of significant aesthetic, architectural or historical importance or value.

LANDMARK DISTRICT. A geographically definable area which has been designated by the legislative body as an area with concentration of landmark buildings, objects, or sites.

LANDMARK OBJECT. An object which with the approval of the owner has been designated by the legislative body to be of significant aesthetic, functional, or historical importance or value.

LANDMARK SITE. A location which with the approval of the property owner is designated by the legislative body as the site of a building, object or past event of significant aesthetic, architectural or historical importance or value.

LEGISLATIVE BODY. The Board of Commissioners of Rutherford County, Tennessee.

LIVESTOCK. Any animal included in the definition of Agricultural (See AGRICULTURAL).

LIVABILITY SPACE. The portion of open space not devoted to motor vehicle parking or circulation or public streets or alley rights-of-way, and which is landscaped, or improved as outdoor living or recreation space for occupants of the premises and which is used as beneficial open space provided that such space is directly accessible to the occupants of the premises and is available for their leisure time use.

LIVABILITY SPACE RATIO (LSR). The square foot amount of livability space for each square foot of floor area on the lot.

LOADING SPACE. An unobstructed, hard surfaced area no part of which is located in any street or public right-of-way and the principal use of which is for the standing and loading or unloading of trucks and trailers.

LODGE. A building or premises used for meetings and activities or for a fraternal order or society.

LOT. A tract of land with at least fifty (50) feet of street frontage, occupied by, or designated to be developed for, a building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged.

LOT AREA. The total horizontal area included within lot lines.

LOT AREA PER DWELLING UNIT. That amount of lot area required, by the applicable provisions of this Resolution, for each dwelling unit located on a lot.

LOT, CORNER. A lot which adjoins the point of intersection or meeting of two or more streets.

LOT COVERAGE. The percentage of the area of the lot which is covered by the principal structure and any accessory structures on the lot.

LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having frontage on two non-intersection streets. (Editor's Note: If a double frontage lot has no vehicular access to a street frontage, as established by a subdivision plat recorded by the Rutherford County Register, then that yard adjacent to the street affording no access shall be considered a rear yard.)

LOT, FLAG-SHAPED. A lot with a minimum street frontage of forty-five (45) feet on which the build-able area is separated by a considerable distance from the street line, so that the distance along the front building line at least equals the required lot width of the zoning district.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE, FRONT. The lot line that separates a lot from a street right-of-way.

LOT LINE, REAR. That lot line which is parallel to and most distant from the front lot line of the lot; provided, however, that in the case of an irregular or triangular lot, a line ten feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

LOT LINE. A line of record bounding a lot that divides one lot from another lot or from a public/private street and any other public/private space.

LOT, MINIMUM AREA OF. The smallest lot on which a particular use or structure may be located in a particular district.

LOT OF RECORD. A parcel of land that is a lot in a subdivision that has been recorded with the Rutherford County Register's Office, or a parcel of land that is described by a meets and bounds description which has been recorded prior to May 14, 1984 or any lot that may be exempt from the Subdivision Regulations.

LOT, WIDTH OF. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line, except for flag-shaped lots and lots with frontage on a cul-de-sac, and lots that are five (5) acres in size or larger (Definition Amended April 11, 2002).

MAINTENANCE GUARANTEE. A guarantee of facilities or work to insure the correction of any failures of any improvement required pursuant to this resolution.

MANUFACTURED HOME. A Factory Built Home constructed after June 15, 1976:

- A. Type A – (Double Wide) Multi-Section Home which is delivered to the home-site in two or three sections.

- B. Type B – (Single Wide) Single Section Home which is delivered to the home-site in one intact section.

MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park is a planned unit development containing two or more Type "A" or "B" manufactured homes or mobile homes and shall have met all the requirements outlined in this Resolution. A manufactured home subdivision is a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale to be used solely for Type "A" Manufactured Homes.

MANUFACTURING. The processing and converting of raw, unfinished or finished materials or products, or any of these, into an article or substance of different character, or for use for a different character or for use for a different purpose.

MAP, ZONING. A map atlas delineating the boundaries of the zoning districts provided for in this Resolution, as amended from time to time.

MINIMUM FLOOR ELEVATION. The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

MINI-WAREHOUSE. A building or group of buildings in a controlled-access and fenced, buffered compound that contains varying sizes of individual compartmentalized stalls or lockers for "dead" storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

MOBILE HOME – A factory built dwelling that was constructed prior to June 15, 1976 (HUD Code Adopted) A detached single family dwelling unit with any or all of the following characteristics:

- A. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- B. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.
- C. Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and it ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connections to utilities and the like.

MOBILE/MANUFACTURED HOME LOTS. A parcel of land rented for the exclusive use of the occupants of a single mobile/manufactured home.

MOBILE/MANUFACTURED HOME PARK. A parcel of land within Rutherford County under single ownership, which has been, improved for the placement of two or more mobile/manufactured homes for non-transient use. A mobile home park is a planned unit development containing two or more mobile homes and shall have met all the requirements outlined in the Mobile Home Park Article of this Resolution.

MOBILE/MANUFACTURED HOME STANDS. The part of land subdivided into lots, each lot individually owned to utilize as the site for placement of a single mobile/manufactured home and its facilities.

MOTEL. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which at least a portion of the rooms are directly accessible from a public or private right-of-way, from a parking lot or space or from the exterior of the building. As such, it is open to the public in contradistinction to a boarding house or apartment.

MOTOR HOME. A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

MOTOR VEHICLE SALES. The display, sales, storage, servicing, and repairing of new and used motor vehicles.

MOTOR VEHICLE SERVICE. A building or portion thereof to be used for equipping, servicing and repair of motor driven vehicles, with or without the sale of motor fuels and oils.

MOTOR VEHICLE STORAGE. The use of any premises for outdoor parking of wrecked or abandoned vehicles.

MUSEUM. A nonprofit, noncommercial establishment operated as a repository or a collection of nature, scientific, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

NONCONFORMING BUILDING OR STRUCTURE. Any building or structure, other than a sign, lawfully existing on the effective date of this Resolution, or any amendment to it rendering such building or structure nonconforming, which does not comply with all of the regulations of this Resolution, or any amendment hereto, governing parking or space and bulk requirements for the zoning district in which such building or structure is located, or is located on a lot which does not, or is so located on a lot as not to, comply with the yard requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed a non-conforming use rather than a non-conforming building.

NONCONFORMING LOT OF RECORD. A lot of record which does not comply with the lot requirements for any permitted use in the district in which it is located.

NONCONFORMING SIGN. Any sign lawfully existing on the effective date of this Resolution, or any amendment to it rendering such sign nonconforming, which does not comply with all the standards and regulations of this Resolution or any amendment hereto.

NONCONFORMING USE. Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this Resolution, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

NONRESIDENTIAL DISTRICT. Any district whose designation does not begin with the letter "R".

NONRESIDENTIAL USE OR PURPOSE. Any building or portion of a building which is not used as a dwelling unit.

NURSERY—RETAIL. Places where trees, plants and other landscaping materials are grown for sale to the general public.

NURSERY—WHOLESALE. Places where trees, plants and other landscaping materials are grown for sale to retailers.

NURSING HOME. An establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OCCUPIED AREA. The total of all of the lot area covered by a mobile home and its accessory buildings on a lot or space.

ON-SITE. Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

OPEN AREA RECREATION. Uses such as miniature golf courses, golf driving ranges, outdoor skating rinks, outdoor swimming pools, recreation areas featuring gymnastics or sports activities, recreation areas featuring travel trailers, rifle ranges, etc., provided, that the facilities for such open area recreation uses are not located closer than one hundred feet to any Agricultural, or Residential District; with the further requirements that no accessory use or structure other than prepared off-street parking may be located within said one hundred foot area, and that at least twenty feet of the specified one hundred foot area along the side lot line and/or the rear lot line of the property being used for this purpose and immediately adjacent to any Agricultural, or Residential District must be landscaped and screened with plant material including hedges and shrubbery. Convenience Sales and Service shall be allowed to include such activities customarily associated with the appropriate, incidental and subordinate to the principal activity when located on the same plat. No such activity shall be established until a plan has been approved by the Planning Commission and 75% of the approved construction has been completed.

OPEN SPACE. The area of all uncovered space within the gross land area attributed to a lot, plus the area of all eligible covered open space within the lot. (Editor's Note: Covered open space is usable open space closed to the sky, but having two clear unobstructed open or partially open sides. Partially open is to be construed as fifty (50%) percent open or more.

OPEN SPACE, COMMON. Open space held in private ownership, recorded in the Office of the Rutherford County Register, and regularly available for use by the occupants of more than one dwelling.

OPEN SPACE RATIO (OSR). The total square feet of open space for each square foot of floor area on the lot.

OPEN SPACE, UNCOVERED. Exterior space open to the sky including usable roof area.

OUTBUILDING. See ACCESSORY STRUCTURE (Added June 17, 2004).

OWNER. Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchases, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Resolution, full disclosure of all legal and equitable interests in the property is required.

PARCEL. The area within the boundary lines of a development.

PARKING LOT. Any land area used or intended to be used for the parking of one or more vehicles, with the exception of personal driveways for single-family and two-family dwelling units (Amended November 13, 2008).

PARKING SPACE. A space for the parking of a motor-driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space. Access to one parking space through one other parking space is permitted in residential development, provided that the two parking spaces serve a single family detached, two-family or townhouse dwelling.

PERFORMANCE GUARANTEE. A financial guarantee to insure that all improvements, facilities, or work required by this resolution will be completed in compliance with the resolution, and the approved plans and specifications of a development.

PLAT. A map or plan of an area, indicating the location and boundaries of individual properties.

PLOT PLAN. A graphic depiction, drawn to an appropriate scale, indicating the dimensions of the lot or parcel which is the subject of an application for zoning district amendment or conditional use permit including a legal description of such lot or parcel and the location of the lot or parcel in relation to adjacent street right-of-way.

PREMISES. A lot, plot or parcel of land, together with the buildings and structures thereon.

PRIVATE CLUB OR LODGE. A building and related facilities owned or operated by a corporation, association or group or persons for social, education or recreational purposes of members regularly paying dues, but not primarily for profit nor to render a service which is customarily carried on as a business and which is not a country club.

PROCESSING. The procedure adopted by a person or party for the conversion of unprepared scrap materials into prepared grades of metallic suitable for remelting, rerolling, reforming, extruding, and utilization in metallics manufacture, both ferrous and non-ferrous.

PUBLIC IMPROVEMENT. Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public need as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sewage disposal, public utilities and energy services.

RECREATIONAL VEHICLE. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted and drawn by another vehicle (e.g. travel trailers, camping trailers, truck campers, and motor homes.) A Travel Trailer (RV) is a portable vehicular structure designed as a temporary dwelling for travel, recreational, and vacation uses, which:

- A. Is identified on the unit by the manufacturer as a travel trailer.
- B. Is not more than eight feet in body width.
- C. Is of any weight provided its body length does not exceed 29 feet.
- D. Is of any length provided its gross weight, factory equipped for the road, does not exceed 4,500 pounds.

RECREATIONAL VEHICLE PARK. A lot on which campsites are established for occupancy by recreational vehicles of the general public for temporary living quarters for purpose of recreation or vacation.

RESIDENTIAL BUILDING. A building the principal use of which is a residential use.

RESIDENTIAL DISTRICT. Any district whose designation begins with the letter "R".

RESIDENTIAL HOME FOR THE AGED. A building where at least two ambulatory persons, of at least 55 years of age, reside, and are provided with food and custodial care for compensation, but not including nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

RESIDENTIAL HOME FOR THE INFIRMED. A building where at least two ambulatory persons reside, and are provided with food and custodial care for compensation, but not including nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

RESIDENTIAL USE OF PURPOSE. Any building or portion of a building used as a dwelling unit.

RESIDENTIAL YARD SALE. A sale, which occurs no more than three (3) days in a ninety (90) day period of time, and no more than four (4) times a year. Items of sale are household or personal items, which are generated from a residence. Yard sales shall be conducted on a parcel of land in

which a residential dwelling unit exists. Yard sales in conjunction with churches and non-profit organizations are exempt from this definition.

RESOURCE PRODUCTION AND EXTRACTION. Is the removal and/or processing of rock, minerals, and soil, and commercial timber; except when the material is solely used on the site from which it is extracted.

RESPONSIBLE PARTY. Any person or organization who has the legal obligation to maintain common open space as defined in this Resolution.

RESTAURANT. An establishment where food is available to the general public primarily for consumption within a structure on the premises, where the consumption of food in motor vehicles on the premises is neither encouraged nor permitted and where food is not served in disposable containers.

RESTAURANT, CARRY - OUT. An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is neither permitted nor encouraged.

RESTAURANT, DRIVE - IN. An establishment where food is served in disposable containers and which by design of facilities or by the type of service and packaging permits or encourages the purchase of prepared, ready-to-eat food for consumption on or off the premises.

RETAIL SHOP. An establishment engaged primarily in the sale of goods for personal use or consumption rather than for resale to the ultimate customer.

RIGHT OF WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be used for a public purpose i.e., as a road, crosswalk, railroad, utility lines, storm water drainage, etc.

RIGHT OF WAY LINES. The lines that form the boundaries of a Right Of Way.

ROOMING OR LODGING HOUSE. A building where lodging is provided for compensation for five or more persons, who are not transients, by prearrangement for definite periods, provided that no convalescent or chronic care is provided.

SCHOOL, PRIVATE. A school which is privately owned or operated with a curriculum comparable to that of a public school.

SCRAP METAL PROCESSORS. Any persons or parties having facilities for processing and storing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes.

SCRAP PROCESSING YARD. Any place having the necessary machinery, equipment and other facilities to process, refine, manufacture, or prepare and store scrap iron, scrap steel, or nonferrous materials for resale or for remelting purposes.

SERVICE BUILDINGS. A structure housing a toilet, laundry facilities, office, or storage space.

SEWER CONNECTION. Consists of all pipes and fittings from the drain outlet of the mobile home to the inlet of the sewerage disposal system.

SIGN. Any device conveying either commercial or noncommercial messages or both commercial or noncommercial messages for visual communication that is used for the purpose of bringing the

subject thereof the attention of the public; but not including any lawful display of merchandise. The term “sign” shall also mean and include any display of one or more of the following:

- A. Any letter, numeral figure, emblem, picture, outline, character, spectacle delineation, announcement, trademark, logo; or Multiple colored bands, stripes, patterns, outlines or delineation displayed for the purpose of commercial identification; or
- B. Anything specified above in part or in combination by any means whereby the same are made visible from beyond the boundaries of the lot or parcel of property on which the same are displayed for the purpose of attracting attention outdoors to make anything known.
- C. Signs do not include: the flag or emblem of any nation, organization of nations, state, city; merchandise and pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards or fences located on athletic fields. Products or equipment displayed or stored in a manner in which they are normally used and consistent with approved site plan do not constitute a sign. All signs that can be read or understood from the property line will count as part of the sign square footage allowed for that parcel. Any sign authorized in this resolution is allowed to contain non-commercial copy in-lieu-of other copy.

SIGN, AUXILARY. A sign which provides special information such as direction, price, sales information, hours of operation, or warning, and which does not include names, brand names, or information regarding product lines or services. Examples of such signs include directories of tenants in buildings; “no trespassing” signs, and signs which list prices of gasoline.

SIGN, BILLBOARD. A type of advertising sign having more than 100 square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

SIGN, COMMERCIAL. Expression related solely to the economic interest of the speaker and its audience. Speech which proposes a commercial transaction. The subject matter is to be considered and not the motivation of the speaker in making the determination.

SIGN, DEVELOPMENT. A sign which, by symbol or name, identifies a development. It may also provide an index of uses (tenants) included in the development.

SIGN, DIRECTIONAL . Sign designating the location of a community or an institution of public or quasi-public nature or the opening of an event of public interest, not including signs pertaining to real estate.

SIGN, DISPLAY SURFACE AREA. The display surface area shall mean and include the entire area of a single continuous perimeter enclosing the extreme limits of wording, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports, up rights or decorative base shall not be included in determining the display surface area of a sign.

SIGN, GRAPHIC. A sign which is an integral part of a building façade. The sign is painted directly on, carved in, or otherwise permanently embedded in the façade. Signs in shop windows are graphic signs unless they qualify as auxiliary signs.

SIGN, GROUND. A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. Freestanding signs are considered ground signs, except for off-premise signs.

SIGN, MONUMENT. A ground sign having a horizontal dimension greater than its vertical dimension.

SIGN, POST OR POLE. Free Standing Sign.

SIGN, POLITICAL . Any sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election.

SIGN, MAXIMUM AREA. The aggregate square footage of sign area on a lot or building. For lots fronting on more than one street, the maximum sign area shall be the allowable sign area for each street frontage. Maximum allowable sign area may not be transferred from one street frontage to another.

SIGN, NON-COMMERCIAL. A sign, which is not an on-premise or off-premises sign and which carries no message, statement, or expression, related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

SIGN, OBSOLETE. A sign relating to or identifying a business or activity which has not been conducted on the premises for 6 months, or to a transpired election or event, or to a political party or non-profit organization that no longer exists; in addition, the structure for a sign that is not allowed under this section if such structure cannot be used for a legal use or does not comply with the height, size, or other physical requirements of this section.

SIGN, OFF-PREMISE. An off-site sign is a sign or a portion thereof which directs attention to a business, profession, commodity, service or entertainment which is not primarily conducted, sold or offered upon the same lot of record as approved by T.C.A. 54-5-1101 and T.C.A. 54-1301. Notwithstanding the foregoing or any provision of this resolution, this resolution shall not prohibit non-commercial speech displayed on an off-site sign, provided it does not violate this Article. Off-premise signs shall be permitted as a conditional use.

SIGN, ON-PREMISE. Signs advertising the sale or lease of the property on which they are located and signs advertising activities conducted on the property upon which they are located. Characteristics of an on-premise sign - A sign will be considered to be an on-premises sign if it meets the following requirements – (a) Site – The sign must be located on the same premises as the activity or property advertised; (b) Purpose – The sign must have as its purpose (1) the identification of the activity, or its products or services, or (2) the sale or lease of the property on which the sign is located, rather than the purpose of general advertising.

SIGN, OUTDOORS ADVERTISING. Sign, including billboard, which directs attention to a business, commodity, service, entertainment, or other activity, conducted, sold or offered elsewhere than on the premises which the sign is located; also a sign or billboard advertising the sale, lease, rental, or designation of real estate located elsewhere than on the premises where such sign is located.

SIGN, PORTABLE. A portable sign shall include any advertising sign or device, counter balance sign, trailer sign or any variation thereof, located on the ground, easily moveable, not permanently attached there to and which is usually a two-sided sign and including any single or double surface painted poster panel type sign or any variation thereof which is temporary in nature. Any movable sign not permanently attached to the ground or a building.

SIGN, PROJECTING. A sign that forms an angle with a building, which extends from the building and is supported by the building.

SIGN, REAL ESTATE . Sign advertising exclusively the sale, auction, lease, rental, or development of the premises upon which it stands or directing attention to the opening and location of a new subdivision, neighborhood, or community.

SIGN, SERVICE. A system of specific service signs or logo signs within the rights-of-way of highways on the interstate system and on adjoining public roads in the vicinity of such highways for the purpose of advising the traveling public of specific business establishments within certain eligible categories.

SIGN FACE AREA. The total number of signs and/or display surface areas on any one (1) premises or lot of record or commercial industrial developments and complexes.

SIGNABLE AREA. The total number of signs and/or display surface areas permitted in this Article on any one (1) premises or lot of record or commercial industrial developments and complexes.

SIGN HEIGHT. The heights of a sign shall be the vertical distance from normal grade to the highest point of the sign. Any berming or filling or excavating solely for the purpose of locating the sign, shall be computed as a part of the sign height.

SIGN, TEMPORARY. Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, is intended to be displayed for a short period of time only. Included in this category are signs not permanently attached to the ground or other permanent structure, including but not limited to signs: with attached wheels; converted to A- or T-frame signs; menu and sandwich board signs; gas or hot air filled displays; signs attached or painted on vehicles parked and visible from the right-of-way, unless said vehicles is used as a vehicle in the normal day-to-day operations of the business.

SIGN, TOURIST ORIENTED DIRECTIONAL. TODS are signs available to lawful cultural, historical, recreational, agricultural, educational or entertaining activities; state and national parks; and commercial activities which are unique and local in nature; and the major portion of whose income or visitors are derived during its normal business season from motorist not residing in the immediate area of the activity. TODS are authorized to be located within the right-of-way of State Highways. Permits are required through the Tennessee Department of Transportation.

SIGN, WALL. A sign mounted parallel to a building façade or other vertical building surface. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted; nor shall they project more than eighteen (18) inches from the wall surface.

SHOPPING CENTER. A group of commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property.

SOD. Surface layer of ground containing a mat of grass and grass roots.

STABLE, COMMERCIAL. A building or land where horses are kept for remuneration, hire, sale, boarding, riding or show.

STABLE, PRIVATE. Any building, incidental to an existing residence, principal use, that shelters horses for the residents use.

START OF CONSTRUCTION. Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such

as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STEEP SLOPES. Land area where the inclination of the land's surface from the horizontal is twelve (12) percent or greater. Slope is determined from on-site topo-survey with two-foot contour interval.

STREET. A public or private way, square or lane, permanently open to common and general use, which affords the principal means of access to abutting property.

STREET LINE. A lot line separating a street from other land.

STREET CLASSIFICATION. The designation of street categories as defined in the Rutherford County Long-Range Transportation Plan.

STRUCTURAL ALTERATIONS. Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

STRUCTURE. Anything built or constructed, but not including paving or surfacing of the ground.

SUBDIVISION REGULATIONS. This term shall refer to the subdivision regulations adopted by and in force with Rutherford County.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above ground and on-ground swimming pools, hot tubs and spas.

TEMPORARY ON-DEMAND STORAGE CRATE: A temporary on-demand storage crate is defined as any enclosed cargo crate used for temporary storage of personal property and is delivered and removed from the property by truck or trailer.

TEMPORARY USE. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time as specified in the Certificate of Zoning Compliance. Such uses do not involve the construction or alteration of any permanent structure.

TIE DOWN. Any device designed for the purpose of attaching a mobile/manufactured home to ground anchors.

TRANSITIONAL HOME. A residence used for the purpose of rehabilitating persons from correctional facilities, mental institutions, and alcoholic and drug treatment centers and operated by a public or private agency duly authorized and licensed by the state, which agency houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in a community and which provides continuous professional guidance.

TRUCK OR MOTOR FREIGHT TERMINAL, SERVICE FACILITY. An establishment engaged in transporting goods or commodities for another business enterprise, including the parking and repair of the motor vehicles used in providing such service.

VARIANCE, USE. The illegal application of the variance power to allow a use in a zoning district in which it is neither a use by right nor a conditional use.

VARIATION, BULK. A variation which relaxes the standards or regulations of this Resolution with respect to bulk.

VARIATIONS, OTHER. A variation which is not a use or bulk variation which relaxes the standards or regulations of this Resolution with respect to sign regulations and parking and loading regulations and requirements. Other variations shall not include any modifications of any of the procedures set forth in this Resolution.

VISION TRIANGLE. (also see Appendix Chart 1) A triangular-shaped portion of land established at the intersection of two streets or a street and driveway in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of a motorist entering or leaving the intersection (Also known as a Sight Triangle). The Vision Triangle is area defined as follows:

- For Intersecting Streets (also Corner Lots) the triangle is determined by a straight line connecting two (2) points measuring thirty (30) feet in each direction along the ROW line from the ROW intersection.
- For Driveways and Non-Corner Lots the triangle determined by a straight line connecting two (2) points; one point measuring twenty (20) feet along the ROW from the intersection of the center of the driveway and the ROW and the other point measuring fifteen (15) feet along the driveway boundary line. (amended March 11, 2010)

WATER CONNECTION. Consists of all pipes and fittings from the water inlet pipe of the residence/use to the outlet of the water distribution system.

WATER SURFACE ELEVATION. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WHOLESALE DISPLAY. A display of commodities of a wholesale establishment.

WHOLESALE ESTABLISHMENT. A business engaged in the sale of commodities in quantity, usually for resale or business use, chiefly to retailers, other businesses, industries and institutions.

YARD. A required open space on a lot between a lot line and a building or structure which is unoccupied and unobstructed from grade to the sky, except for the following permitted obstructions:

- A. Accessory uses, subject to the provisions of Section 13.04 of this Resolution.
- B. Statuary, arbors, trellises and barbecue stoves.
- C. Awnings and canopies (except in conjunction with gasoline pump islands, then they must setback twenty (20) feet from the right of way line).
- D. Bay window, porches, and balconies projecting not more than forty-two inches from an exterior wall.
- E. Chimneys, flues, fireboxes, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like projecting not more than twenty-four inches from an exterior wall.
- F. Fire escapes or outside stairways projecting from an exterior wall not more than four feet.
- G. Flag poles.
- H. Non-mechanical laundry drying equipment, except in a front yard.
- I. Terraces.
- J. Recreational equipment, except in front yards.
- K. Mailboxes.
- L. Driveways.

YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the main wall of the building.

YARD, REAR. A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured from the nearest point of a main building toward the nearest part of the rear lot line.

YARD, REQUIREMENTS. The regulations of this Resolution establishing minimum front, side, and rear yard requirements and setback requirements for various uses, structure, and districts.

YARD, SIDE . A yard between a main building and side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of main building.

ARTICLE III. CERTIFICATE OF ZONING COMPLIANCE

Section 3.00. Authority

The Planning Director, herein after referred to as “The Director,” shall have the authority to issue certificates of zoning compliance in accordance with this Article, the Subdivision Regulations and Tennessee Code Annotated 13-7-101 through 13-7-115.

Section 3.01. Purpose

Certificates of Zoning Compliance are required to insure that the development of property and use of structures comply with the provisions of this Resolution.

Section 3.02. Zoning Certificate Required

No development permitted by this Resolution, other than uses by right (see section 1.04), may be established or changed; no structure shall be erected, constructed, reconstructed, or altered, and no building used, occupied, or altered with respect to its use after the effective dates of this Resolution until a zoning certificate has been secured from the Planning Department. Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulation in compliance with the terms of this Resolution.

Section 3.03. Procedure

An application for a Certificate of Zoning Compliance shall be filed with the Planning Department. The application shall include the following information:

- A. A completed land use application form.
- B. A proposed site plan.

ARTICLE IV. AMENDMENTS

Section 4.00. Authority

The legislative body shall have the authority to enact amendments to text of this Resolution, grant reclassification permits, and conditional use permits in accordance with the provisions of this Resolution. The legislative body may impose such conditions upon the premises benefited by a reclassification permit as may be necessary to prevent or minimize any adverse effects, and to insure the compatibility of the reclassification with other property in the vicinity of such use.

Section 4.01. Type and Purpose

The purpose of an amendment is to reclassify land or to change the text of this Resolution.

Section 4.02. Guidelines for Decision

In determining whether to grant a requested amendment, the legislative body shall consider, among other things, the provisions of the general plan/comprehensive plan. Conditional Use guidelines are set forth in Article VI and VII of this Resolution.

Section 4.03. Initiation

The Legislative Body, the Planning Department, the owner of the property to be affected by the proposed amendment, or their designated Attorney-in-Fact may initiate an amendment. (Amended November 16, 2000)

Section 4.04. Amendments of Zoning Resolution Provisions-Procedure

The county legislative body may from time to time amend the number, shape, boundary, area or any regulation of or within any district or districts or any other provision of any zoning resolution; but any such amendment shall not be made or become effective unless the same be first submitted for approval, disapproval or suggestions to the regional planning commission of the region in which the territory covered by the resolution is located, and, if such regional planning commission disapproves within thirty days after such submission, such amendment shall require the favorable vote of a majority of the entire membership of the county legislative body to be approved. Before finally adopting any such amendment, the county legislative body shall hold a public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county (T. C. A. 13-7-105)(Amended April 1994).

Section 4.05. Required Vote

The Board of Commissioners shall approve or reject a proposed amendment by a simple majority vote. However, if twenty (20%) percent of the property owners of record, that have a common boundary or are directly across a public road from the proposed reclassification, submit a duly signed and acknowledged petition in opposition to the proposed reclassification/conditional use no later than ten days after the final notice of the public hearing is published, then the Board of Commissioners must have a 2/3 majority vote to approve the proposed reclassification/conditional use.

Section 4.06. Re-application When Denied

If an application for an amendment to the Zoning Resolution is denied by the legislative body or is withdrawn by the applicant after it has been reviewed by the Rutherford County Regional Planning Commission, a re-application pertaining to the same property and requesting the same general reclassification (i.e. commercial, industrial, residential) may not be filed within nine (9) months of the date final action was taken on the previous application or the date it was withdrawn

unless such re-application is initiated by the Planning Department or the authorized legislative body.

ARTICLE V. SITE PLAN REVIEW

Section 5.00. Authority

The planning commission and planning director shall have the authority to grant site plan approval concurrent with their actions on permitted uses and conditional uses in accordance with the provisions of this Resolution.

Section 5.01. Purpose

The site plan review process recognizes that the developments to which it is made applicable, even though generally suitable for location in a particular district or on a particular site, are because of their nature, size, complexity, or other indicators of probable impact, capable of adversely affecting the purposes for which this Resolution is established unless careful consideration has been given to critical design elements. It is the purpose of this Article to insure that all elements are reviewed for compatibility with the regulations and intent of this Resolution.

Section 5.02. Initiation

An application for site plan approval may be initiated by the owner or their designated Attorney-in-fact the property for which site plan approval is requested or by the authorized agent of such owner or other person. (Amended June 14, 2001)

Section 5.03. Site Plans Required

(Amended September 13, 2001)

- A. The Planning Director shall review and forward all site plans to the appropriate agency for their action subject to the procedures, standards, and limitations set forth herein.
- B. All development shall be required to file a site plan and shall not be entitled to a zoning certificate until and unless the site plan has been approved by the appropriate agency.
 1. Site plan review and approval by the Planning Commission shall be required for the following:
 - a. The development of multiple-family dwellings, excluding duplexes and triplexes.
 - b. The construction of all non-residential primary and accessory structures.
 - c. All expansions to non-residential structures in excess of 3,000 square feet.
 - d. All churches and other religious structures in excess of 3,000 square feet.
 2. Site plan review and approval by the Planning Staff shall be required for all structures not reviewed by the Planning Commission nor required to seek approval from another agency as designated in an approved Conditional Use Permit.

Section 5.04. Application

- A. Application for required site plan approval shall be filed with the Planning Department according to the schedule for filings established by the Department and shall contain the following information: (Amended June 2008)
 1. A completed site plan review application form, together with the required fees.
 2. A legal or other ownership description, tax map and parcel number, and location map of the property.

3. The deed, street address, and legal description of the development.
4. A legal or other ownership description and assessor parcel map of the property affected by the application.
5. Name, address, and telephone number of the applicant.
6. If different from the applicant, the name, address and telephone number of the owner or other persons having a contractual interest in the property for which site plan approval is requested.
7. Zoning classification for the property and, if application for the amendment to the zoning resolution has been filed, the proposed zoning classification for the property.
8. The site plan shall be drawn at a scale to allow adequate review. Site plans for development of less than 150 acres shall be at a scale of not less than fifty feet to the inch. For developments between 150 and 1,000 acres, site plans shall be drawn to a scale of not less than 200 feet to the inch. For developments exceeding 1,000 acres, the scale shall be determined by the Planning Director but not larger than 300 feet to the inch. Site plans shall include the following:
 - a. A survey, showing property boundary lines and dimensions, the gross land area of the site; available utilities, and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property. If the applicant does not have a survey of the property, this requirement may be waived if the aforementioned information can be accurately presented on the site plan.
 - b. The locations, size and arrangement of proposed buildings and existing buildings which will remain, if any, including height in stories and feet, floor area ratio, total floor area, total square feet of ground area coverage, number of bedrooms in each dwelling unit, livability space and open space where applicable, and a description of any amenities to be provided for which an amenity incentive is requested, in accordance with the provisions of Article XII of this Resolution.
 - c. The proposed use of buildings.
 - d. Yard dimensions.
 - e. The location, dimensions and number of vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces and access aisles, sidewalks, walkways and pathways, including slope and gradient of streets and driveways, total lot coverage of all circulation elements, divided as between vehicular and pedestrian ways.
 - f. Any proposed major regrading of the site and the general location of any significant topographical or physical features of the site, including at least water courses.
 - g. The location of all existing and proposed surface and sub-surface drainage facilities, which shall conform to Article III, Section I, Stormwater Management, of the Rutherford County Subdivision Regulations.
 - h. The locations, size and arrangement of all outdoor signs and lighting.
 - i. If the site plan is to be recorded, all certificates, seals, and signatures required for the recordation of documents; and if easements, dedications, or other property rights are granted thereon.

- j. In areas subject to flooding, the location and elevation of the 100-year flood plain must be shown and residential structures appurtenances and any thereto must have a first floor elevation of at least three feet above the flood elevation.
 - k. Where sewage disposal is to be accomplished by a subsurface disposal system, the permit shall be presented and disposal areas shown on the plat. Where disposal of wastewater is to be accomplished by another system, the system shall be defined and signed as approved on the plat by the appropriate health agency.
 - l. Any additional information as may be required to determine compliance with the provisions of this Resolution.
 - m. Site plans shall contain certifications from the appropriate electric, water and sewer utilities.
 - n. Developers of Residential, Commercial, Industrial or other non-residential developments shall be required to evaluate the two (2) nearest public downstream drainage structures to ensure the facilities are able to properly and efficiently manage the projected volume of storm water the development is anticipated to generate. (Added May 13, 2004)
9. A Landscaping Plan as described in Section 13.02.D.1 of this Resolution and a Tree Preservation Plan as described in Section 13.02.G.2 if applicable. (Added March 11, 2010)

Section 5.05. Criteria for Site Plan Review

The Planning Commission shall approve a site plan if the plan is found to be in compliance with this Resolution and the Subdivision Regulations and any conditions set by the Board of Commissioners or Board of Zoning Appeals, provided, however, that where multiple family development, commercial development and industrial developments are being proposed adjacent to existing single family developments or within or near the floodway, or floodway fringe, or along arterial or sub-standard streets, the Planning Commission may require that the developer provide additional buffering, increase set-backs, arrange structures or meet other requests in order to mitigate any adverse impact that might affect the adjacent homes; the county engineer may require retention/detention facilities be provided to reduce the amount of run-off being created by the development; and may require that certain access requirements are adhered to or that existing intersections and streets to be improved along the subject property.

Section 5.06. Procedure for Site Plan Review

All projects requiring site plan review shall be submitted with all necessary information to the Planning Department according to the schedule for filings established by the Department. Upon delivery of the necessary information to the planning commission, the commission shall either approve, approve with conditions, or disapprove the site plan with stated reasons, within ninety (90) working days from the date of the submission of the site plan. (Amended June 2008)

Section 5.07. Effect of Site Plan Approval

Approval of a site plan shall permit the applicant to apply for any other permits and approvals including, but not limited to those permits and approvals required by this Resolution, the subdivision regulations and the building code.

Section 5.08. Period of Validity

Site plan approvals are valid for twelve (12) months or until a building permit is issued, whichever is earliest.

Section 5.09. Amendments**A. Substantial Deviations.**

If a proposed amendment to a site plan deviates substantially from the approved site plan, such approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:

1. A 5% or greater increase in floor area or number of units.
2. A 10% or greater decrease in parking spaces, open space or livability space.
3. The reduction or deletion of an amenity incentive.
4. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development.
 - a. 25 ft. or more for site plans to two acres or less.
 - b. 50 ft. or more for site plans of more than two acres but less than eight acres.
 - c. 100 ft. or more for site plans of eight acres but less than 20 acres.
 - d. 150 ft. for site plans of 20 acres or more.
5. Deviation from any condition imposed by the commission approving the general site plan.

B. Minor Deviations.

If a proposed amendment to site plan represents only a minor deviation from the approved site plan, the applicant shall file a written application for such amendment with the Planning Department who shall act upon such application within ten days of its receipt. Such minor deviations include, but are not limited to, the following:

1. A less than 5% increase, or any decrease, in the floor area or number of units, provided that the maximum floor area ratio or gross dwelling-unit density per acre, as regulated in Chart for the zoning district in which the subject property for which site plan has been submitted, is not exceeded.
2. A less than 10% decrease in parking spaces, open space or livability space.
3. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:
 - a. Less than twenty-five feet for site plans of 2 or less acres.
 - b. Less than 50 feet for site plans of more than two but less than eight acres.
 - c. Less than 100 feet for site plans of eight acres but less than 20 acres.
 - d. Less than 150 feet for site plans of 20 acres or more.
4. The correction of drafting errors on the approved site plan.
5. The addition of an amenity incentive.

Section 5.10. Surety Required

The Planning Commission may require the applicant to submit a surety (performance bond, letter of credit, cash deposit, etc.) to insure the completion of any improvements to be made to the site. Said surety shall be posted prior to the issuance of the Certificate of Zoning Compliance and recordation.

ARTICLE VI. CONDITIONAL USE PERMITS

Section 6.00. Authority

The Board of Commissioners and Board of Zoning Appeals shall have the authority to grant a conditional use permit for land uses in accordance with procedures outlined in Section 6.11.

Section 6.01. Purposes

Conditional uses are those uses that may have some special impact, or uniqueness because of their size, special requirements, or other possible safety hazards, but may be compatible with other uses if they are properly designed. Conditional use permits are required for specified uses as listed in the STANDARD INDUSTRIAL CLASSIFICATION MANUAL; Office of Management and Budget 1987. The Boards may include conditions on approval to eliminate or minimize potentially harmful characteristics or impacts of uses on the character of the zoning district in which they will be located. Conditional uses are not permitted by right, only upon appeal, and in conformance with the standards set forth in Article VII, Section 7.02 as determined by the Boards.

Section 6.02. Initiation

The owner or their designated Attorney-in-fact of the property in which a conditional use is proposed may initiate the request for a conditional use permit. (Amended June 14, 2001)

Section 6.03. Procedures for Processing Conditional Use Permits

- A. An application for a conditional use permit shall be processed under either Type I, II, or III procedures set forth sections 6.11 - 6.14.
- B. When an application for a proposed conditional use is submitted, the Director shall determine the type of procedure the resolution specifies for its processing. The application shall be processed under the highest numbered procedure required for any part of the conditional use proposal.
- C. The Director shall determine the potentially affected agencies that may be able to provide information relevant to review of the application or may want knowledge of an issued permit. In addition to county departments, these agencies may include agencies of other governmental units, such as those responsible for compliance with state and federal requirements. While the Director shall perform this function, failure to notify a particular agency shall not invalidate proceedings under this resolution.

Section 6.04. Coordination of Conditional Use Permit Procedure

The Director shall be responsible for coordination of the Conditional Use permit application and the decision-making procedure and shall issue a Conditional Use permit to an applicant whose application and proposed Conditional Use is in compliance with provisions of this resolution. The Director shall require submission of sufficient information with the application to identify all determinations that may require furnishing notice to persons other than the applicant. In a Type II or III procedure, the Director may authorize the Applicant to defer submission of details demonstrating compliance with standards when the details are not relevant to the approval under those procedures. Before issuing the Conditional Use permit the Director shall be provided with the details necessary to establish full compliance with county requirements.

Section 6.05. Pre-Application Conference

- A. An applicant or the applicant's authorized representative shall request the Director to arrange a pre-application conference. The conference shall be held within 30 days after the request. The purpose of the conference is to do the following:

1. Acquaint the applicant with the substantive and procedural requirements of the development code.
 2. Provide for an exchange of information regarding applicable elements of the county policy and development requirements.
 3. Advise the applicant of any public-agency sources of information that may aid the applicant.
 4. Otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.
- B. The Director, if requested by the applicant, shall provide the applicant with a written summary of the conference within 15 working days after the conference. The summary may include confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the criteria and standards that may apply to approval of the application.

Section 6.06. Conditional Use Permit Application

All applications for Type II or Type III Conditional Uses, Temporary Uses, or any Rezoning request shall have a non-binding site plan drawn to scale by a registered surveyor, engineer, or architect. This site plan shall conform to those site plan requirements outlined in Section 5.03 of the Resolution. The Planning Director may have the discretion to waive this requirement. This Section will not apply to those applications pertaining to second residences or accessory/detached garages. (Amended August 17, 2000)

Section 6.07. Submission of Conditional Use Permit Application

Application materials shall be submitted to the Director who shall indicate the date of submission on each copy of the materials submitted. Within five working days after the date of submission, the Director shall determine whether an application is incomplete or the necessary attachments have not been submitted, the Director shall immediately notify the applicant of the negative determination by mail or otherwise convey any explanation to the applicant. An application for which a negative determination has been made may be resubmitted after it is revised to overcome the reasons for the negative determination. If a Conditional Use permit application is complete and in conformance with the provisions of this resolution, the Director shall accept it and note the date of acceptance and the approvals needed for granting the permit.

Section 6.08. Conditional Use Permit Decision

- A. Within thirty days after the date of accepting a permit application that does not involve approval by another body or within ten days after receiving the required approval by other bodies, the Director shall approve or deny the development and notify the applicant. With the consent of the applicant, the action of the Director may be delayed to allow the applicant to document that the proposal will be responsive to the approval by the other body. The decision of the Director shall be based on the application, the evidence, comments from referral agencies, and approvals by others.
- B. If there is no appeal and if conditions for issuing a permit have been met, the Director shall issue a Conditional Use permit, if applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of this resolution.
- C. The Director shall deny the Conditional Use permit if the required approvals are not obtained or if the application otherwise fails to comply with resolution requirements. The notice shall describe the reason for denial.

Section 6.09. Time Limit on Conditional Use Permits

- A. All conditional use permits shall be reviewed after two years by the Board of Zoning Appeals or the Planning Commission; whichever one is applicable.
- B. The Executive Director shall have the authority to void a Conditional Use Permit one (1) year after the date of issuance unless one (1) of the following has occurred or unless specifically stated otherwise in the permit:
 1. A Building Permit has been issued and is still in force; or
 2. A Business License has been issued for the property in question, if required, and there is clear evidence that the Conditional Use Permit has been activated. (Part B Amended on August 16, 2001)
- C. If the Zoning Enforcement Office receives a written complaint on a conditional use permit and they have made a determination that there is a violation of the conditional use permit, then that permit shall be reviewed by the appropriate agency (Board of Zoning Appeals or Planning Commission) within fifty (50) days of the receipt of said complaint. The reviewing agency shall have the authority to rescind the conditional use permit. All appeals of the reviewing body's actions will be directed to the Rutherford County Board of Commissioners in compliance with Article X of this Resolution.

Section 6.10. Action on Resubmission of Denied Application

If an application for a conditional use permit is denied, a re-application pertaining to the same property and requesting the same use may not be filed within nine (9) months of the date the final action was taken on the previous application.

Section 6.11. Summary of Procedure Types

For purposes of administering this resolution, three types of procedures are established for processing development permits. The three procedures apply to but are not limited to the classes of development listed below.

| Type I Procedure | Type II Procedure | Type III Procedure |
|--|---|--|
| Objective decisions. | Subjective/ objective and decisions. | Complex or subjective decisions other controversial decisions. |
| Little, if any, discretion required. | Discretion required. | Great deal of discretion required. |
| Because of minimal or no effect on others, issuance of permit is not dependent on involving others. | Application of the standards may require knowing of some effect upon persons others. | Possible significant effect on some or broad effect on a number of persons. |
| Participation of applicant only. | Notice published. Nearby property owners invited to respond to applicant's proposal. | In addition to applicant, others affected invited to present initial information and attend a hearing. |

Section 6.12. Type I Procedure

Approved without public hearing in accordance with Sections 1.03 and 1.04.

Section 6.13. Type II Procedure

- A. Under the Type II procedure, an application is scheduled for public hearing before the hearing body under Article VI. Persons to receive notice are those designated for notice by the sections of this resolution for the class of development involved. The applicant shall supply a list of the names and addresses of property owners who are to receive notice because of the location of their property. The hearing body may attach development or use conditions beyond those warranted for compliance with the development standards documents in granting an approval if the hearing body determines the conditions are necessary for any of the following purposes.
 - 1. To avoid imposing burdensome public-service obligations in any city or the county.
 - 2. To mitigate detrimental effects to others when the mitigation is consistent with an established policy of the county.
 - 3. To otherwise fulfill the criteria for approval of the particular class of development.
- B. If the application is approved by the hearing body, the Director will issue a development permit when the applicant has complied with Article VII and other requirements of this resolution.
- C. A decision of the hearing body may be appealed by a party to the hearing under the appeal procedure set forth in the Tennessee Code Annotated.
- D. Type II developments will be reviewed by the Board of Zoning Appeals.

Section 6.14. Type III Procedure

- A. Under the Type III procedure, the Director shall schedule public hearings before the legislative body under Article IV. Persons who are to receive notice are those designated for notice by the sections of this resolution for the class of decision involved. If criteria are involved, the hearing body shall make a finding for each of the criteria that is relevant to the particular class of decision under consideration. A written report shall be submitted to the governing body.
- B. Persons attending the hearing by the governing body and those who submit written commentary before the hearing may do the following:
 - 1. Present new testimony and information that is relevant to the proposal and which was not heard before the planning body.
 - 2. Make final arguments on why the matter should or should not be approved and, if approved, the nature of the provisions to be contained in the approving action.
- C. To the extent that a finding of fact is required, the governing body shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning body. The governing body may delete, add, or modify any of the provisions pertaining to the proposal or attach development or use conditions beyond those warranted for compliance with standards in granting an approval if the governing body determines the conditions are appropriate to fulfill the criteria for approval.

- D. To the extent that a policy is to be established or revised, the governing body shall make its decision after information from the hearing has been received. A decision to act affirmatively shall become effective by passage of a resolution. A decision to deny or not to proceed requires no further action.

Section 6.15. Legislative Enactments Not Restricted

Nothing in this resolution shall limit the authority of the governing body to make changes as part of a more extensive review of the comprehensive plan or the implementing resolution, including changes in district or zone designations. Nothing in this resolution shall limit the authority to make changes in the development standards documents.

Section 6.16. Required Vote

The Boards shall approve, approve with conditions or reject a requested conditional use permit by a majority vote of said Boards. The Planning Commission or the Board of Zoning Appeals may continue the review of a conditional use request for sixty (60) days from the date of the original meeting at which the request was heard.

Section 6.17. Conditions on Conditional Uses

In accordance with the provisions of Article VII of this Resolution, the Boards may require the conditional use to comply with any conditions required to meet the general and particular standards specified in Article VII of this Resolution for such conditional use, which conditions shall be set forth in the conditional use permit, when issued.

Section 6.18. Assurance of Compliance

Every conditional use permit shall be conditioned upon the proposed development complying with all requirements of this Resolution and, where applicable the Subdivision Regulations. The violation of any condition contained in a conditional use permit shall be a violation of this Resolution and punishable as outlined in Tennessee Code Annotated 13-7-111 and Article XXII of this Resolution. In the event a permit for the conditional use is approved subject to conditions, the applicant shall, in writing, acknowledge such approval and unconditionally accept and agree to any condition imposed on the approval. The Planning Department shall then take action to process the application on the zoning certificate for the development to which the conditional use permit applies. The Boards may require a surety to be posted to insure completion of any improvements.

Section 6.19. Amendments to Conditional Use Permits

A conditional use permit may be amended pursuant to the same procedure and in accordance with the same standards which governed its grant. (See Section 6.02)

ARTICLE VII. STANDARDS FOR CONDITIONAL USE PERMITS

Section 7.00. Authority

The Board of Commissioners and Board of Zoning Appeals are authorized to grant conditional use permits for the uses specified in the STANDARD INDUSTRIAL CLASSIFICATION MANUAL (OMB 1987) in accordance with the procedure for issuance of such permits set forth in Article VI of this Resolution.

Section 7.01. Conditions on Conditional Uses

The Boards may impose such conditions upon the premises benefited by a permit for a conditional use as may be necessary to prevent or minimize any adverse effects of such conditional use and to insure the compatibility of the conditional use with other property in the vicinity of such use. Such conditions shall be set forth in the permit authorizing such conditional use. A violation of such conditions shall be a violation of this Resolution. The Boards are authorized to revoke a permit for a conditional use when the conditions imposed have been violated or have not been met.

Section 7.02. Standards of General Applicability

An applicant for a conditional use permit shall present evidence at the public hearing on such conditional use permit, which evidence must establish:

- A. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.
- B. That the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- C. That the proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water, and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- D. That the proposed building or use will not result in the destruction, loss, or damage of any features determined by the Board, to be of significant natural, scenic or historic importance.
- E. That the proposed building or use complies with all additional standards imposed by the Board.
- F. All sink holes are to be protected as permanent open space, therefore, all uses must take care not to generate additional runoffs into a sinkhole or cause excess sediment to reach the sinkhole. (approved 5-8-89)

Section 7.03. Authorized Special Uses and Additional Standards

The following conditional permit uses shall be subject to the following minimum standards which shall apply in addition to the general standards applicable to conditional permit uses set forth in section 7.02 of this Article:

GOLF DRIVING RANGE

1. Accessory uses permitted shall be limited to a refreshment stand, a maintenance shed, and a pro shop.

2. The range area shall be set back a minimum of 100 feet from any residential lot line.

OUTDOOR THEATER, DRIVE-IN THEATER

Accessory uses permitted shall be limited to the use by patrons of the principal use, and shall be limited to a refreshment stand or booth, a souvenir stand or booth, and/or a "kiddy-land".

CEMETERIES AND MAUSOLEUMS

1. Shall be located on sites of at least five acres.
2. A mausoleum which is not located in a cemetery shall be located on a site of at least two acres.
3. All structures located in a cemetery of six feet in height or over shall be set back as least 100 feet from each lot line and street right-of-way.
4. All graves or burial lots shall be set back at least fifty (50) feet from each lot line and street right-of-way.
5. A new or expanding cemetery site shall not obstruct the development of any street proposed on the Rutherford County Long-Range Transportation Plan.

CHILD CARE, FAMILY DAY CARE and GROUP DAY CARE HOMES, AND DAY CARE CENTERS (Amended March 16, 2000)

1. Conditional Use Permit approval shall be based on the following: (Amended April 12, 2001)
 - a. Facilities with zero (0) to four (4) children shall have a Type I approval.
 - b. Facilities with five (5) to seven (7) children shall have a Type II approval.
 - c. Facilities with eight (8) or more shall have a Type III approval.
2. An off street parking area shall be provided for vehicles to load and unload passengers.
3. Facilities for vehicular access to and from the site shall be arranged to permit vehicles to exit from the site without backing out into any street.
4. An application for a conditional use permit shall be accompanied by a permit from the Tennessee Department of Human Services.
5. Required off-street parking shall be located on site.
6. All play areas shall be fenced.

FRATERNITY AND SORORITY HOUSES

1. A minimum lot size of five (5) acres shall be required.
2. Adequate parking facilities shall be required.
3. Screening may be required along the lot lines of the site to block such use from the view of property classified in a residential district.
4. Health Department approval shall be required.

RESIDENTIAL HOMES FOR THE AGED

Off-street parking shall be provided on the same lot as the residential home on a ratio of one space for each four residents who are authorized to occupy the home by the Tennessee Department of Public Health and/or Tennessee Department of Human Services. Required parking shall not be located in front yards.

DRUG AND/OR ALCOHOL TREATMENT FACILITY, NONRESIDENTIAL

1. Shall be a conditional use in commercial or industrial areas.
2. Shall not be operated or maintained within eight hundred and fifty (850) feet of a property line of a lot devoted to a residential use, a church, a state-licensed day care facility, public library, or private/public educational facilities which serve persons age seventeen (17) or younger, an elementary school, a high school, a public park.
3. Shall not be operated or maintained within three thousand feet (3,000) of another nonresidential drug and alcohol treatment facility.
4. Shall have one (1) parking space for each 150 square feet of gross floor area.
5. Shall be approved by the State of Tennessee Department having control over such facilities.

RESOURCE PRODUCTIONS AND EXTRACTIONS

1. Resource production and extraction type operations shall not be located closer than one mile to any school site; shall set back at least fifteen hundred (1500) feet (excavation area, if applicable) from public rights-of-ways, churches, and all residentially zoned property, including residential portions of approved planned developments. Also, the following information shall be submitted:
 - a. Drainage plan (1"=200') showing course of water before and after development; method of channelization of water (e.g. cuts, drainage, swells, earth berms, holding ponds); and, figures showing compliance with the Stormwater Management Ordinance.
 - b. Proposed depth of quarry pit.
 - c. Average weight of trucks leaving the site.
 - d. Show and give dimensions of areas which will have change in environment and topography.
 - e. Proposed hours of operation.
 - f. Detailed facilities plan (1"=100'), showing the location of permanent facilities.
 - g. Dimensions of yard and proposed changes of contour elevations.
 - h. Location of proposed stockpile areas.
2. Prior to review and approval of the resource extraction conditional use permit the developer shall submit eight copies of an Environmental Impact Statement (EIS) and a Reclamation Safety Plan, prepared by an independent licensed engineer, approved by the planning commission. The following standard format for Environmental Impact Statements shall be followed:
 - a. Description of the proposed development.
 - b. Survey of existing environmental conditions.

A survey of existing environmental conditions shall include an informative description of these factors:

 1. Slope stability
 2. Foundation conditions

3. Terrain
 4. Soil erodibility
 5. Watershed boundaries
 6. Highway and bridge capability
 7. Neighborhood character
 8. Population density
 9. Public facilities - within one mile of site
- c. Engineering report
An engineering report discussing the details of alternative engineering methods to accomplish the proposed development shall include the following:
1. Cut and fill operation
 2. Clearing
 3. Removal of ground cover
 4. Erosion control measures
 5. Buffering plan
 6. Blasting procedures and safety measures
 7. Reclamation plan (criteria detailed in part e)
- d. An assessment of environmental impact
An identification of the nature, magnitude, and extent of all environmental impacts. Each development should be evaluated based on its potential impact on the environment as well as how the environment will impact the project.
Specific impacts to be addressed include:
1. Impact on geological features and resources
 2. Impact on rock and soil stability
 3. Impact on soil erodibility
 4. Impact on aquifers, ground water and open streams
 5. Impact on plant and animal life
 6. Impact on social fabric and community structures
 7. Impact on aesthetics and character
 8. Impact on existing infrastructure including schools, bridges, traffic density and mix, water supply and other utilities
 9. Impact and number of persons exposed or affected by pollutants (parts per million) and noise (db), and indicated the time and duration.
 10. A detailed description of the measures to be taken during the extraction and reclamation process to assure protection of:
 - a. The quantity and quality of surface and ground water systems, both on and off site, from adverse effects.
 - b. The right of present users to such water.
 - c. Alternative sources of water at least equal in quantity and quality, and how it would be obtained by the present users if necessary.
 11. A list of the steps to be taken to comply with applicable air, water and blasting laws and regulations.
- e. Reclamation Plan.
The reclamation plan shall consist of the following:
1. Use, capability and productivity of land prior to the development.
 2. A description of the use which is proposed to be made of the land following reclamation.
 3. A detailed description of how the proposed post-development land use is to be achieved.
 4. A list of the revegetation, safety and engineering techniques proposed to be used in the reclamation.
 5. Certificate of public liability insurance.

6. A statement of the consideration which has been given to maximizing the utilization and conservation of the mineral being covered so that re-affecting the land in the future can be minimized.
 7. An estimated breakdown on a cost per acre basis of the proposed reclamation.
3. Landfill or extraction operations shall not be allowed in a floodway area, nor in protected areas or drainage ways. If landfills or extraction uses are permitted in a area where slope is 15% to 25%, 40% of the site must remain undisturbed. If the slope is more than 36%, 95% of the site must remain undisturbed. Hill and ridge top areas are to be protected due to the increased runoff and erosion, and, therefore, a minimum of 80% of these areas must be maintained as open space. Clearing activity is restricted to the central area of the hill and ridgetop, except for access, and stormwater drainage must be conveyed to the bottom of the hill by an erosion-resistant channel.
 4. Landfill and extraction operations shall not be allowed within three miles of an existing operation.

RACETRACKS

The following are minimum requirements for review of racetracks in the C-3 Commercial Zoning Classification:

1. Size of operation.
The board shall review the factors determining the size of the proposed operation which shall include but not be limited to the following:
 - a. Dimensions for computing the area of all proposed permanent facilities.
 - b. Seating capacity of proposed activity.
 - c. Location and number of parking spaces for proposed activity. If credit for parking off site is desired, show location, number, and access to proposed activity. This shall be in accordance with the parking requirements of Article XIII, Section 13.03 of this Resolution.
 - d. Schedule of operation showing hours and frequency of events.
 - e. Description of proposed activity.
 - f. Total acreage of site.
 - g. Impact on prime farmland.
 - h. Compliance with the Stormwater Management Ordinance.
2. Lighting.
The board shall review the proposed method of lighting for all activities to which this Resolution applies. The applicant shall show such information in enough detail so as to allow the board to evaluate the sufficiency of lighting for the proposed activity and the impact to surrounding properties. No lighting shall be of a height or capacity that is a nuisance or interferes with normal lifestyles to residences, traffic or other business.
3. Sound.
The board shall review design information relating to expected levels of sound from the proposed activity so as to evaluate the impact to surrounding properties. Sound level, as measured at all property lines abutting the lot on which the proposed activity is located, shall not exceed the average level of sound of the surrounding neighborhood prior to development. The average level of sound in a neighborhood shall be established by determining the frequency, as measured in cycles per second (C.P.C.) and intensity, as measured in decibels (db). Continuous measurements of both frequency and intensity shall be taken for thirty (30) minutes every two hours during the hours of 7:00 a.m. to 10:00 p.m. on at least two days during the week and one day during the weekend with an instrument or instruments capable of meeting the applicable standards of the USASI. For the purpose of standardization, the instruments shall be set at the "C" weighting scale.

4. Traffic.
All proposed activities to which this section applies shall have access to a major arterial highway by means of existing road frontage or private easements, and shall be buffered so as to obstruct the view from any highway within the county.
5. Advertising.
The board shall review the proposed activity with respect to the location of all permanent signs and advertising. Only those signs or advertisements which promote the authorized title or logo of the proposed activity shall be visible off site at ground level. For any other signs, the developer shall show a screening plan. Such signs or advertisements shall be subject to other regulations concerning signs in this Resolution.
6. Vibration.
No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is detectable without instrumentation at the lot lines. For the purpose of this section, vibration shall include the type of tremor which is a movement transmitted through the earth and impact vibration which is transmitted through the air.
7. Proximity of incompatible activities.
The board shall take into account the surrounding land uses in the general area which may be impacted by any proposed activity allowed in this section. The board shall require the applicant to mitigate impact to surrounding land uses. Methods for mitigation of impacts to surrounding land uses may include but not be limited to the following:
 - a. Use limitations
 - b. Performance bond
 - c. Landscaping
 - d. Fence screen
 - e. Increased open space or buffer yard
 - f. Earth berms
 - g. Enclosure
8. All proposed activities shall comply with state and federal regulations pertaining to such activity. Such regulations may include but not be limited to those concerning air and water quality, insurance, fire, and medical considerations. In addition to state and federal regulations, the sanctions of private or semiprivate institutions or associations related to the proposed activity shall be met. (i.e. NASCAR, state requirements, etc.)
9. Other information, including but not limited to the following: use limitations, performance bonds, and decibel readings as required by the board to determine compliance with these regulations. All proposed activities shall be in keeping with the general intent of this Resolution.

NON-COMMERCIAL STORAGE FACILITY, WORKSHOP OR OTHER STRUCTURE FOR THE PRIVATE USE OF THE LANDOWNER (Added March 11, 2010)

- a. Applications for this sub-section shall be considered by the Board of Zoning Appeals with a Type II Conditional Use Permit;
- b. The property must be residentially zoned;
- c. The owner of the property must provide verifiable proof that conditions on the property will not allow the establishment of a principal structure;
- d. The property must be at least 5 acres in size;
- e. The size of the structure must conform to the size limitations of Section 13.04 B. 1.;
- f. The structure must meet all applicable setback, height and lot coverage regulations;
- g. Only one (1) structure will be permitted per property, excluding approved agricultural structures (i.e. barns, silos, etc.);
- h. Outdoor storage of any material/vehicles is prohibited.

- i. The structure must not be used for any of the following activities:
 - i. Living quarters
 - ii. Commercial activities
 - iii. Storage for businesses that occur off of the property, including home-based businesses
- j. None of the regulations listed in this section shall prohibit or restrict approved agricultural structures or uses as defined by this Resolution or Tennessee State Law.

Section 7.04. Temporary Use Regulations

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application of a Zoning Certificate shall be made to the Planning Department. Said application shall contain a graphic description of the property to be utilized and a general site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities and parking spaces for the proposed use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and the regulations of any district in which such use is located.

- A. Carnival or Circus.
May obtain a permit in the Commercial and Industrial districts and may apply for a temporary conditional use permit in the Residential districts. The procedures outlined in Article VI are to be utilized in processing such an application. Such permits shall be issued for a period of no longer than 15 days. Such use shall only be permitted on lots where safe and adequate off-street parking can be provided. In addition, no structure or equipment will be allowed within 500 feet of any residential dwelling. Health and Sheriff's Department approval shall be obtained and hours of operation specified on the permit. All rides shall be inspected by a Licensed Mechanical Engineer prior to the rides being opened for use by the general public.
- B. Christmas Tree Sales.
May obtain a 45 day permit for the display and sale of Christmas trees on open lots in any district.
- C. Contractor's Office and Equipment Sheds.
May obtain permit in any district where such use is incidental to a construction project. Offices and sheds shall not contain sleeping or cooking accommodations. The maximum length of a permit shall be one year but may be renewed for six month extensions. Said office or shed shall be removed upon completion of the construction project.
- D. Religious Tent Meeting.
May obtain a permit in any district. Such permit shall be issued for not more than a thirty (30) day period.
- E. Real Estate Sales Office.
May obtain a permit in any district for any new subdivision approved in accordance with the Rutherford County Subdivision Regulations. The maximum length of the permit shall be one year and the office shall be removed upon completion of the development of the subdivision.
- F. Sale of Farm and Nursery Produce.
May be done on any parcel of land five (5) acres or greater as long as the produce has been grown on site. Sales areas, including the produce stands, shall be setback a minimum of 50 feet from the nearest right-of-way. Entrances and exits to the parking area shall be a minimum of 40 feet from any intersection.
- G. Fire Works Stands.

May obtain a permit for up to four (4) weeks prior to the Fourth of July and January 1 of any year. Said stand must be removed no later than seven days after the fourth of July or January 1st

1. All stands must comply with all state and local codes prior to issuing a conditional use permit.
 2. All stands must set back a minimum of forty feet from the front property line.
 3. Stands can only be located in Commercial or Industrial Zones.
- H. Any similar type activity may obtain a temporary permit subject to the time restraints and conditions necessary to carry out the intent of this Resolution.

Section 7.05. Major Home-Based Businesses

Major home-based businesses shall be permitted only with the approval of a Conditional Use Permit by the Board of Zoning Appeals. In addition to the Standards of General Applicability found in Article VII of the Rutherford County Zoning Resolution, and the general provisions for home-based businesses located in Section 13.04 F., major home-based businesses shall conform to the following provisions:

- A. Major home-based businesses shall have no more than three (3) nonresident employees on the premises at any one time. The number of nonresident employees working at locations other than the home-based business is not limited.
- B. Major home-based businesses shall be limited to the parking/storage of two (2) business vehicles on the premises. Vehicles shall not be stored in the front yard. For the purposes of this section, front yard shall be defined as the area from the front line of the dwelling unit to the property line. 18-wheel tractor-trailers shall not be permitted on lots of less than two (2) acres.
- C. Major home-based businesses shall not use more than 25 percent of the gross floor area of the principal structure. Businesses in approved accessory structures may be permitted to use more than the 500 square feet allowed for minor home-based businesses if approved by the Board of Zoning Appeals.
- D. The Board of Zoning Appeals may require parking beyond what is required for the residential use of the property and may require any additional parking to meet the parking design and maintenance standards found in Section 13.03 of the Zoning Resolution.
- E. Major home-based businesses shall not create more than ten (10) customer/client visits in any one day and no more than five (5) customers/clients can be present at any one time.
- F. The following activities shall not be approved as major home-based businesses by the Board of Zoning Appeals:
 - Automobile/vehicle repair
 - Kennels, stables, veterinarian clinics/hospitals
 - Medical and dental clinics/hospitals
 - Restaurants, clubs, drinking establishments
 - Undertaking and funeral parlors
 - Sexually Oriented Adult Businesses, as defined in Article XXV
- G. Outdoor storage of any material used in connection with the home-based business, is permitted with Board of Zoning Appeals approval.
- H. Signage for home-based businesses shall be limited to five (5) square feet and shall be attached to the principal or accessory structure where the business is located. Only one (1) sign per residential lot is permitted.

The Board of Zoning Appeals may require additional standards in order to assure the compatibility of the home-based business with other property in the vicinity of the home-based business and to assure the residential character of the neighborhood is maintained.

(This section added November 13, 2008)

ARTICLE VIII. VARIATIONS

Section 8.00. Authority

The Board of Zoning Appeals shall have the authority to grant the variations specified in this Resolution and in accordance with Tennessee Code Annotated 13-7-207 after a public hearing on a requested variation and only if the Board makes specific written findings in favor of such variations based upon the standards for variation hereinafter set forth.

Section 8.01. Purpose

The purpose of a variation is to relieve the hardship or practical difficulty the regulations of this Resolution may impose upon a landowner because of the unusual characteristics of a parcel of property which makes compliance with the regulations generally applicable in a zoning district extraordinarily difficult or impossible.

Section 8.02. Initiation

The owner or their designated Attorney-in-fact of the property for which a variance is required may initiate a request for a variation. (Amended June 14, 2001)

Section 8.03. Procedure

A. Application.

The owner or other person having a contractual interest in the property to be affected by the variation shall file an application for a variation with the Planning Department. Such application shall be accompanied by a nonrefundable application fee established from time to time by the legislative body and shall contain the following information:

1. Name, address, and telephone number of the applicant.
2. Nature and extent of the applicant's interest in the property for which a variation is requested.
3. A plat showing the dimensions of the property for which a variance is requested.
4. The street address and legal description of the property for which a variation is requested.
5. Zoning classification of the property for which a variation is requested.
6. A statement of the exact variation sought and section of this Resolution from which a variation is requested.
7. A statement of the purpose for the requested variation and of the intended development of property if the variation is granted.
8. Unless otherwise modified by the Building official, in accordance with standards established by said Board in rules published from time to time, a vicinity map showing the property within a 500 foot radius. Such vicinity map shall show any and all streets and dimensions of each parcel of property shown.
9. A list of the names and addresses of the owners of property shown on the vicinity map.

B. Action by Board.

Not less than ten or more than sixty-five days after an application is filed, the Board of Zoning Appeals shall hold a public hearing thereon. Written notice of such public hearing

shall be published and may be mailed to property owners within 500 feet of the property for which a variation is requested. Prior to the adjournment of the meeting at which such public hearing is concluded, the Board shall act on the requested variation, or take the matter under advisement, or defer a decision until the next regular meeting of the Board. Notice of the Board's decision, along with its written findings shall be mailed to the applicant within fifteen days after the date of the Board's decision on the requested variation.

Section 8.04. Standards and Proof Required for Variations

A. Use Variations.

No use variances shall be granted.

B. Bulk Variations and other Variations

No bulk variation or other variation shall be granted unless the applicant establishes that the bulk or other regulations generally applicable in the zoning classification for the property for which a variation is requested impose practical difficulties which are unusual to the property and are not self-created. The applicant must also show that the bulk or other variation requested will not be unduly detrimental to other property in the vicinity of the property for which the variation is requested. Additionally, to satisfy the requirements outlined in this subsection 8.04-B for the granting of a bulk or other variation, an applicant shall establish the existence of the following:

1. Practical Difficulties.

The narrowness, shallowness or shape, topography or other conditions of the land is such that it is extraordinarily difficult to comply with the generally applicable bulk or other regulations of the zoning classifications for the property.

2. Unusual Characteristics of the Subject Property.

The property is unusual in that it has unusual physical features compared to other property located in the same zoning district.

3. Not Self-created.

The condition of the property has not resulted from any deliberate action by the owner.

Section 8.05. Findings

The Board of Appeals must make specific written findings of fact on each of the standards for a variation in either granting or denying the variation. Said findings will determine that the variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public health, safety, comfort, morals, or welfare of the inhabitants of the County.

Section 8.06. Conditions on Variations

The Board may set forth conditions in the written resolution granting a variation. Such conditions may relate to screening, landscaping, location, and other conditions necessary to preserve the character of the area and protect property in the vicinity of the variation. A violation of such conditions shall be a violation of this Resolution.

Section 8.07. Determination of Compliance with Conditions

The Building Official shall determine when the applicant has complied with the conditions set forth in the Resolution granting the variation.

Section 8.08. Effect of Grant of Variation

The grant of a variation shall not allow the development of the property for which a variation was granted but shall merely authorize the filing of applications for required permits and approvals, including, but not limited to building permits and certificates of occupancy.

Section 8.09. Length of Variation

Variations are valid for an unlimited time, irrespective of ownership, unless otherwise conditioned.

ARTICLE IX. INTERPRETATION

Section 9.00. Authority

After consulting with the county attorney, the Director of planning may render an interpretation on any regulatory provisions of this Resolution in connection with reviews of permit applications for zoning compliance or written requests for opinions directed to him.

Section 9.01. Procedure

If the Planning Director determines that a regulatory provision of this Resolution is so unclear or ambiguous that an interpretation of the provision is necessary to process a building permit application for zoning compliance in accordance with the provisions of Article III of this Resolution, the Planning Director may interpret such provision. After interpreting such provision, the Planning Director shall determine whether the proposed development is consistent with this interpretation and shall continue to process such permit application for zoning compliance in accordance with the provisions of Article III of this Resolution.

ARTICLE X. APPEALS FROM ADMINISTRATIVE DECISIONS

Section 10.00. Authority

The Board of Appeals shall have the authority to hear and decide appeals from any order, requirement, decision or determination by any department, office, or bureau responsible for the administration of this Resolution.

Section 10.01. Initiation

An appeal may be initiated by any person aggrieved or by any officer, department, or bureau affected by an order, requirement, decision, or determination by any department, office or bureau responsible for the administration of this Resolution.

Section 10.02. Procedure

A. Notice of Appeal.

Within five days after the date of a written notice, requirement, decision, or determination of an administrative department, bureau, or office with respect to the enforcement of this Resolution, a person or entity aggrieved or any office, department or bureau affected thereby, shall file a notice of appeal with the Planning Commission and with the department, office, or bureau which rendered the decision or determination, issued the order or imposed the requirement appealed. Such notice shall be accompanied by a nonrefundable fee established from time to time by the legislative body and shall contain the following:

1. Name, address, and telephone number of the person aggrieved or the name of the office, department, or bureau affected.
2. Name of the department, office or bureau responsible for the order, requirement, decision, or determination.
3. A statement setting forth the order, requirement, decisions, or determination appealed and the date thereof.
4. If applicable, a statement setting forth the provision of this Resolution with which the order, requirement, decision or determination is inconsistent and the nature of the inconsistency.
5. A notice filed by a department or bureau shall be authorized by the head thereof.

B. Action on Notice of Appeal.

Not less than thirty days after a notice of appeal is filed the Board of Appeals shall hold a hearing thereon. Written notice of such hearing shall be mailed to the person, officer, department, office or bureau responsible for the order, requirement, decision or determination appealed.

C. Decision of Board.

Prior to the adjournment of the meeting at which such hearing on such notice of appeal is concluded, the Board of Appeals shall affirm, reverse, or modify the order, requirement, decision or determination appealed from in so doing, the Board may issue an order, impose a requirement or render a decision or determination which it deems appropriate and, to that end, the Board shall be deemed to have the same powers as the office, department or bureau whose action was the subject of the appeal. The Board may take the appeal under advisement or defer decision until the next regular meeting of the Board.

Section 10.03. Effect of Filing an Appeal

The filing of a notice of appeal shall require the office, department, or bureau whose action is appealed from to forward any and all records or facsimile copies thereof concerning the subject matter of the appeal to the Board of Appeals and shall stay any proceedings in furtherance of the action appealed from unless the office, bureau or department responsible for such action certifies in writing to the person, officer, department, or bureau who filed the notice of appeal and to the Board of Appeals that a stay poses an imminent peril to life or property, and setting forth the reasons therefor, in which case the appeal shall not stay further proceedings unless the Board reinstates such stay.

ARTICLE XI. PLANNED UNIT DEVELOPMENT REGULATIONS

Section 11.00. Purpose

The Planned Unit Development (PUD) is a distinct zoning district which is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

- A. Providing flexibility in the application of land development regulations that will encourage innovative development and redevelopment for residential and nonresidential purposes so that a growing demand for other housing and other development and land use may be met by variety in type, design, and layout of dwellings and other buildings and structures, including traditional neighborhood development;
- B. Providing flexibility in architectural design, placement, and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking; and related site design considerations;
- C. Encouraging the conservation of natural features, preservation of open space and critical and sensitive areas, and protection from natural hazards;
- D. Providing efficient use of public facilities;
- E. Encouraging and preserving opportunities for energy-efficient development and redevelopment;
- F. Promoting attractive and functional environments for nonresidential areas that are compatible with surrounding areas; and
- G. Accommodating developments that are exclusively residential, exclusively non-residential, or a compatible and complementary mix of residential and non-residential units.

Section 11.01. Standards of Review for PUDs

All applications for PUD approval will be evaluated using the following standards of review:

A. Ownership and Division of Land

An application for the approval of a PUD may be submitted by one or more owners of the property to be included in the PUD. The holder of a written option to purchase or any governmental agency shall be considered an owner for the purposes of this section. Unless otherwise provided as a condition of approval of the PUD, the landowner of an adopted planned development may divide and transfer parts of such development provided that the transferee shall be obligated to complete each such part, and use and maintain it in strict conformance with the approved PUD.

B. Adequate public facilities

Approval of a PUD shall be based upon a finding that streets, utilities, and drainage features have adequate capacity to serve the proposed development. The applicant for a PUD shall present any applicable studies (i.e. traffic studies) and documentation with their application that demonstrates all relevant utility companies and governmental departments have been consulted and that adequate capacity exists for their development. If deficiencies do exist, the applicant shall offer to upgrade or otherwise provide adequate facilities to support their development.

C. Connectivity

1. *Street System Connectivity.* An interconnected street system is necessary in order to promote orderly and safe development by ensuring that streets function in an interdependent manner, provide adequate access for emergencies and service vehicles, enhance access by ensuring connected transportation routes and provide continuous and comprehensible traffic routes. Applications for planned developments are encouraged to provide public street access to adjoining properties, including connections into any existing streets that currently stub into the property. At the same time, staff understands that connections to all properties may not be practical. Therefore, the following information shall be required with all PUD applications:
 - a. A plan showing all proposed connections to adjacent properties;
 - b. If the applicant feels that there are certain connections that are not practical or possible to make, or if they feel that their development meets the intent of this section with the connections proposed, a written explanation of their position shall be submitted with their plan.
2. *Bicycle/Pedestrian Connectivity.* Walkways shall be provided in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. Where appropriate the plan shall provide pedestrian/bicycle access to, between or through open space areas and to appropriate off-site amenities. Informal trails may be constructed of gravel, wood chip or other similar material.

D. Landscaping

Landscaping is intended to make uses more compatible by requiring a screen or buffer between the uses in order to minimize the potentially harmful impact of noise and objectionable views. Landscaping shall at a minimum conform to the standards located in Section 13.02 of the Zoning Resolution.

E. Off-Street Parking

Off-street parking requirements shall conform to the standards located in Section 13.03 of the Zoning Resolution, unless otherwise stated in the applicant's regulating pattern book. A parking study may be submitted as part of the PUD application to demonstrate the amount of proposed off-street parking and its ability to accommodate the proposed uses.

F. Perimeter Requirements

PUDs shall be harmonious and not conflict with the surrounding residential neighborhood. Use of landscaping, screening, open space, architectural compatibility measures, step-down density, and the placement of buildings shall be accepted land use planning tools by which this harmonious relationship can be created.

G. Architectural Design

PUD architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems, such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site.

H. Bulk Regulations

The legislative body may approve a development plan that modifies and establishes lot size limits, setback requirements, height limits, maximum lot coverage and other bulk requirements. Any modifications to the bulk regulations shall adhere to any applicable building codes. Unless otherwise stated in the applicant's regulating pattern book, bulk regulations shall be consistent with the zoning regulations most consistent with the

development type (i.e. residential, commercial, etc.) based on the interpretation of the Planning Director or his/her designee.

Regulations for accessory structures shall remain consistent with Section 13.04 of the Zoning Resolution, unless otherwise stated in the applicant's regulating pattern book.

I. Minimum Building Separation

Required building separation is determined by applicable building and fire codes. In developments where building separation will be less than 15 feet, the applicant shall be required to install fire-rating exterior walls and residential sprinkler systems that demonstrate adequate fire protection.

J. Waiver of Board of Zoning Appeals Action

No action of the Board of Zoning Appeals shall be required in the approval of a planned development.

K. Open Space

1. *Required Open Space.* In all PUDs, a minimum of 20 percent of the gross project area shall be set aside as open space. At least 50 percent of this land shall be Usable Open Space, as defined in this article.
2. *Definitions*
 - a. Open Space: Any land or area within the boundaries of a development, the preservation of which in its present use would:
 - Conserve and enhance natural or scenic resources;
 - Protect streams or water supply;
 - Promote the conservation of soils, wetlands, or other environmentally sensitive areas;
 - Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or
 - Enhance recreation opportunities.
 - b. Usable Open Space: An area or areas within the boundaries of a development that are designed, set aside and maintained for either active or passive recreation, or both, and are available and accessible for use and enjoyment by all residents of the development, or designated portion of a development.
3. *Permitted Uses.*
 - a. Open space containing natural features worthy of preservation may be left unimproved. Permitted uses for open space may include, but are not limited to:
 1. Greenbelts that serve as a buffer between land uses, using existing vegetation, or an aesthetic amenity such as boulevard trees;
 2. Agriculture or pasture uses; and
 3. Preservation of important natural features.
 - b. Usable open space must be suitably improved for its intended use. Active recreation facilities are encouraged. Permitted uses for usable open space may include, but are not limited to:
 1. Pedestrian, bike and multi-purpose trails;
 2. Passive recreation areas, including pocket parks; and
 3. Active recreation areas, such as ball fields and playgrounds, provided that they are limited in impervious area to 10 percent of the required open space.
4. *Location and Configuration.* Where relevant and appropriate, open and usable open space shall be located so as to be readily accessible by residents and uses of the development. To the extent practicable, open space and usable open space should provide the following:
 - a. Focal points for the development, such as public gathering areas, fountains, etc.
 - b. Connectivity within the development so that an interconnected network of open space can be enjoyed by the residents.

- c. An extension and enlargement of presently existing or planned trail, park, or other open area land adjacent to the development.
- 5. *Stormwater Management Facilities.* Stormwater detention/retention facilities may be allowed by the County as part of an open space plan subject to the following criteria:
 - a. The detention pond shall be constructed so as to drain fully when precipitation is not occurring (i.e. no standing water may be left) unless the pond is designed as an aesthetic amenity;
 - b. The side slope of the detention pond shall not exceed thirty-three percent unless slopes are existing, natural and covered with vegetation;
 - c. If detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in natural or near-natural condition;
 - d. The detention area shall be landscaped in a manner which is both aesthetic and able to withstand the inundation expected.
 - e. Use of a dedicated usable open space area for stormwater detention/retention shall not be acceptable if the area must be fenced or otherwise rendered unsuitable or unavailable for recreation use during dry weather;
 - f. In the case of joint use of usable open space for detention and recreation, the property owners' association shall be responsible for maintenance of the facilities.
- 6. *Areas not considered open space or usable open space.*
 - a. The area within a public street right-of-way or private road access easements or other easements that include roads, drives, or utility lines;
 - b. The area within any manmade stormwater detention or retention pond, unless improved consistent with the above section (11.01.K.5);
 - c. STEP soils areas.
- 7. *Phasing of open space and usable open space.* The phasing plan shall coordinate the improvements of open space and common open space in the development. No occupancy permits shall be issued for any portion of the phase unless and until the open space and usable open space which is part of that phase has been improved and dedicated to a maintenance organization.
- 8. *Maintenance of open space and usable open space.* If the open space and usable open space is deeded to a property owners' association, the developer shall file with the Planning Commission a declaration of covenants and restrictions that will govern the association to be submitted with the application for preliminary subdivision plat or site plan approval. The County Attorney will review the documentation as to form prior to Rutherford County Regional Planning Commission (RCRPC) Approval. The provisions shall include, but not be limited to the following:
 - a. The Association must be set up before the properties are sold;
 - b. Membership must be mandatory for each buyer and any successive buyer
 - c. The open space and usable open space restrictions must be permanent, not just for a period of years;
 - d. The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities; and
 - e. Property owners must pay their prorated share of the cost to the assessment levied by the association to meet changed needs.

L. Project Phasing

The Board of Commissioners may elect to permit the development of a PUD in phases; in which case, the following provisions shall be complied with:

- 1. Any phasing plan shall be approved during the PUD review process and shall be sufficient in terms of size and scope in order for the phase to exist as a "stand alone" project, in the event the applicant does not implement subsequent phases of the PUD as proposed and approved.
- 2. Each phase shall be designed and sequenced to ensure that the impacts of the development upon the surrounding community and properties will not be detrimental or a deterrent to further development of the community and adjacent properties.

3. *Time extension for Concept Plans.* The owner and/or applicant who requested the PUD may request an extension of the Concept Plan in one-year increments. The request shall require a revised phasing plan to be submitted. Approval of a time extension is at the discretion of the RCRPC. However, the total time extension shall not exceed two years without reapproval being granted by the Board of Commissioners. When considering approval of a time extension, the RCRPC may recommend the Concept Plan be modified to comply with regulations adopted since the PUD was approved and/or to address changes to surrounding properties since the PUD was approved.
4. *Inactive PUDs.* A PUD shall be considered inactive if any of the following situations:
 - a. If a preliminary subdivision plat or site plan has not been acted on by the RCRPC within one year of the effective date of the PUD; or
 - b. If a final subdivision plat has not been recorded by the RCRPC within one (1) year of the RCRPC's approval of a preliminary subdivision plat; or
 - c. If actual construction has not begun on an approved site plan within 12 months of RCRPC approval consistent with Section 5.08 of this Resolution. For the purposes of this subsection, actual construction is defined to include permanent fastening of construction materials on-site or extensive grading including demolition or removal of existing structures necessary for the development; or
 - d. If at any time the PUD, or phase of the PUD has not been developed according to a schedule established with the original approval of the PUD, unless time extensions have been granted by the RCRPC as specified in section 11.01.L.3.
5. If a PUD is inactive, the RCRPC shall give notice by certified mail to the owner/applicant who requested the PUD and shall schedule a public hearing to take any of the following actions:
 - a. Recommend extending, removing or modifying the schedule for development;
 - b. Recommend amendments to the concept plan;
 - c. Recommend rezoning of the property to its former zoning classification.

M. Additional Standards for Nonresidential PUDs

1. *Lighting.* Applicants should strive for minimal light spillover onto adjacent properties. Foot candle levels at the property lines should not exceed 1.0. Lighting fixtures shall be shielded to prevent glare.
2. *Signage.* Signage shall conform to Article XX of this Resolution.

Section 11.02. Procedure for Review

The review procedure for a PUD shall conform with the following steps.

A. Step 1 – Preliminary Concept Meeting

The applicant shall meet with the Planning Department to discuss the initial concepts of the PUD. The applicant shall supply preliminary information including but not limited to proposed uses, site constraints, road access, utility availability, and proposed density. Staff shall make the applicant aware of any applicable plans and ordinances. All staff comments are advisory in nature.

B. Step 2 - Pre-application Conference

1. Within 90 days of the preliminary concept meeting, the applicant shall meet with the Planning Department and other departments, as appropriate, for a pre-application conference.
2. The applicant shall supply preliminary information to the Planning Department in a form established by the Planning Department. Such information shall be submitted at least three business days prior to the pre-application conference meeting.
3. The purpose of the pre-application conference shall be to review refined plans and concepts for the PUD, the submittal requirements for the formal application, and the neighborhood meeting.

C. Step 3 - Neighborhood Meeting

1. The applicant is required to hold at least one formal neighborhood meeting prior to the formal application for a PUD. The applicant shall meet the following standards when conducting a neighborhood meeting:
 - a. Provide adequate notice to the Planning Department of the neighborhood meeting, including time, date, and location of the meeting. The meeting must be attended by a staff member of the Planning and/or Engineering Department.
 - b. Conduct the neighborhood meeting within proximity of the location of the proposed development. If it is not possible to hold the meeting in proximity to the location of the proposed development, due to lack of public facilities, the meeting shall be held in a nearby convenient location.
 - c. An effort shall be made to provide adequate notice of the neighborhood meeting to the community. This notice may include but not be limited to a notice in a local newspaper or an informational letter distributed to area property owners. At a minimum, informational letters shall be distributed to property owners within a 500-foot radius of the proposed PUD.
 - d. Provide the Planning Department with a written summary of the meeting as part of the Concept Plan application. The summary shall include a brief description of the method used to provide notice of the neighborhood meeting to the community and highlight the primary concerns of the neighboring property owners raised at the neighborhood meeting. Staff may submit a supplemental summary with additional information if necessary.
2. The Planning Director or his/her designee may waive the neighborhood meeting requirement for modifications or reapplications under the following circumstances
 - a. *For reapplications:* If a formal neighborhood meeting has been conducted for the PUD application in the last 12 months and no changes to the original application are being proposed.
 - b. *For modifications:* The proposed modifications to the PUD application will not alter the potential impact of the PUD on the neighboring properties.

D. Step 4 – PUD Application

- a. Within 90 days of the pre-application conference, the applicant shall submit an application in accordance with Section 11.03 PUD Application Requirements.
- b. If the applicant fails to submit an application within 90 days of the pre-application conference, the applicant shall be required to begin the review procedure again from the pre-application conference (Step 2).

E. Step 5 – RCRPC Review and Recommendation

The Rutherford County Regional Planning Commission (RCRPC) shall review the PUD application, hold a public hearing, and make a recommendation to the Board of Commissioners. The RCRPC shall recommend approval, denial, or approval with conditions within 60 days after the initial consideration of the application. The applicant may waive the 60 day time requirement and consent to an extension or extensions.

F. Step 6 - Board of Commissioners Review

The Board of Commissioners shall review the PUD application, hold a public hearing, and make a final decision. In making such a decision, the Board of Commissioners shall consider but not be bound by the recommendation of the RCRPC. The Board of Commissioners shall approve, deny, or approve with conditions. The Board of Commissioners may defer the application for a reasonable amount of time if more information is needed to make an informed decision.

G. Step 7 - Site Plan and Subdivision Plat Requirements

- a. If approved, the PUD Regulating Pattern Book will become the controlling document for all future development in that established PUD zone. Parcels approved for a PUD

will continue to be regulated by the Regulating Pattern Book regardless of future subdivision and sale of the property.

- b. The procedure for Site Plan review will be required as established in Article V of this Zoning Resolution.
- c. The procedure for Preliminary and Final subdivision plats review will be required as established in the Rutherford County Subdivision Regulations.

Section 11.03. PUD Application Requirements

The application shall be accompanied by a fee established by the Board of Commissioners from time to time and shall include the following:

A. Regulating Pattern Book

The applicant shall submit 15 paper copies and 1 electronic version of the Regulating Pattern Book, which shall include the following:

- 1. Name, address, contact information of applicant and professional architect, planner, or engineer responsible for preparing the Regulating Pattern Book.
- 2. A Concept Plan which contains the following minimal information:
 - a. Location, shape and size of property or properties involved in the project;
 - b. The proposed street network within the project which shall include the location and proposed improvements of any road depicted on the Major Thoroughfare Plan. The plan shall show all proposed connections to adjacent properties;
 - c. The location of proposed lots and an indication of the proposed uses for each lot;
 - d. The location of common open space, pedestrian/bicycle connections, areas proposed for public use (i.e. school, fire station);
 - e. For any nonresidential use show the general location of proposed buildings, parking areas, loading zones, and screening.
- 3. List of permitted uses within the development.
- 4. List of exceptions from zoning and subdivision regulations that are otherwise applicable to the property including but not limited to setbacks, lot size, and street design.
- 5. A plot plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structures on-site and within two hundred feet of the subject property and the identification of the existing uses of those properties.
- 6. A graphic rendering of existing natural features including but not limited to topography, soils, woodlands, wetlands, floodplain, and existing drainage patterns which affect the property.
- 7. A map showing available utilities, easements, roadways, rail lines and public right-of-way crossing and adjacent to the property.
- 8. Architectural renderings, architectural plans or photographs of proposed structures with sufficient clarity to convey the appearance of proposed structures. The plan shall include a written description of proposed exterior building materials, including the siding and roof materials, porches, decks and any proposed landscaping.
- 9. For projects that include residential uses, the proposed project density including a tabulation of the maximum number of residential lots for each proposed square footage range.
- 10. For projects that include nonresidential uses, a tabulation of maximum total square feet of building floor area proposed for commercial and industrial uses, by general type of use; and the maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial and/or industrial uses.
- 11. A tabulation of the number of lots which would be allowed under the existing zoning. Provide a detailed explanation on how this tabulation was calculated.
- 12. A tabulation and description of amenities within the PUD including the percentage of open space and usable open space.

13. For projects that include nonresidential uses, a photometric plan of the nonresidential areas complete with light cutsheets and lighting fixtures examples.
14. If the PUD is proposed to be constructed in stages during a period extending beyond a single construction season than a Phasing plan shall be established. The Phasing Plan shall include
 - a. The approximate date when construction of the project will begin,
 - b. The order in which the phases will be built,
 - c. The minimum area and approximate location of common open space and public improvements that will be required at each stage, and
 - d. A breakdown by phase for subsections [9] and [10] above.

B. Concept Plan

The applicant shall submit one 24"x36" copy of the Concept Plan, as described in section 11.03.A.2, at an appropriate scale.

C. Continued Maintenance Assurance

The applicant shall submit the proposed means of assuring the continued maintenance of common open space or other common elements and governing the use and continued protection of the planned development. Any proposed restrictions or covenants to be placed on the development shall be submitted for the record.

D. Documentation of Adequate Public Facilities

The applicant shall submit any applicable studies (i.e. traffic studies) and documentation that all relevant utility companies and governmental departments have been consulted and that adequate capacity exists or the applicant has agreed to upgrade the facilities.

E. Documentation of Neighborhood Meeting

The applicant shall submit a summary of the neighborhood meeting as described in Section 11.02.C.1.d.

F. Additional information may be required

The planning staff, RCRPC, or Board of Commissioners may require additional information to be submitted which may be necessary to make a determination regarding the PUD application.

Section 11.04. Other Issues

A. Modifications to a PUD

Following approval of the PUD by the Board of Commissioners, it is possible that as the development of the PUD progresses, modifications to the approved concept plan may be necessary for a variety of reasons. Minor modifications only require administrative approval from the Director of Planning or his/her designee. However, major modifications, as defined below, will be subject to further review by the RCRPC and Board of Commissioners and will be required to undergo the process for PUD approval as enumerated in Section 11.02.

A written request from the Developer seeking a variation to an approved Planned Unit Development shall be submitted to the Director of Planning. The request shall describe the overall affect of the proposed changes, a modified concept plan, the reasons for seeking such amendment, and provide a written description of how the proposed modifications accomplishes the intent of the PUD as originally proposed. Upon receipt of a complete request, the Director of Planning or his/her designee will make a written determination on whether the proposed modification is major or minor within ten (10) business days.

Modifications that result in the following will be classified as major:

1. The changes proposed seeks to amend a specific condition that was imposed by the Board of Commissioners;

2. Proposed amendment results in the increase in the number or dwelling units (density) or maximum square footage (intensity) in the cases of non-residential PUDs;
3. The amendment modifies the location and/or number of the PUDs primary access points;
4. The amount of open space is reduced;
5. Modification of bulk and height restrictions and any other development regulations expressly enumerated in the Regulating Pattern Book.
6. Deviations to site plans consistent with section 5.09.A. of this Resolution.

B. Re-application if Denied

If an application for a PUD is denied by the Board of Commissioners, a re-application pertaining to the same property with the same regulating pattern book may not be filed within nine (9) months of the date final action was taken on the previous application, unless such re-application is initiated by the Planning Department or the Board of Commissioners.

ARTICLE XII. CLUSTER DEVELOPMENTS

Section 12.00. Purpose

The purpose of cluster development is to permit a procedure for development which will result in an improved living environment; which will promote more economic subdivision layout; which will encourage ingenuity and originality in total subdivision and individual site design; and which will provide for desirable and proper open space, tree cover, recreation, and scenic vistas; all with the intent of preserving the natural beauty of Rutherford County while at the same time maintaining the necessary maximum density limitations of the particular district.

Section 12.01. Minimum Size

No application of less than five units shall be considered.

Section 12.02. Minimum Lot Area

In a cluster development, the minimum lot area shall be determined by the applicable zoning district with allowable reduction as follows:

| | |
|-------|-----|
| R-100 | 50% |
| R-40 | 50% |
| R-20 | 50% |
| R-10 | 40% |
| R-8 | 30% |

Section 12.03. Open Space Requirement

- A. Open space must be equivalent to, or more than the total reduction of lot size and at least twenty thousand (20,000) square feet. Up to one-third (1/3) of open space land may be located in a 100-year floodplain.
- B. Only the following land uses may be set aside as open space:
 1. Private recreational facilities such as golf courses, swimming pools, or tennis facilities.
 2. Historic buildings or sites (minimum 15,000 square feet).
 3. Park facilities or extensive areas with tree cover.
 4. Low land along streams or areas of rough terrain when such areas are extensive and have natural features worthy of preservation.
- C. The usability of open space intended for recreational or public use shall be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.
- D. Open space shall include irreplaceable natural features located in the tract (such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
- E. Open space intended for a recreation or public use shall be easily accessible to pedestrians, which accessibility shall meet the needs of the handicapped and elderly.
- F. The suitability of open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings or length of public or private streets.

Section 12.04. Legal Requirements for Operation and Maintenance of Open Space.

- A. Local open space, at the option of the developer, may be retained by him or deeded by him to a homeowners association or other organization approved by the Planning Commission.
- B. When such tracts are retained by the developer, plans for improvements and maintenance of these tracts must be approved by the Planning Commission, and deed covenants made to assure continuing use of the tracts for local open space purposes. A maintenance bond may be required.
- C. When such tracts are to be deeded to a homeowner's association, the developer shall provide:
 - 1. The legal framework for a homeowner's association, consisting of articles of incorporation and by-laws which guarantee as a minimum:
 - a. That the homeowners association will be responsible for liability, insurance, local taxes, and maintenance of recreational or other facilities pertaining to the local open space.
 - b. That when more than 50% of the lots within the subdivision are sold, there shall be a special meeting of the homeowners association within 60 days.
 - 2. Deeds to individual lots within the subdivision, which shall convey mandatory membership in the homeowners association, and include as a minimum the following provisions:
 - a. Responsibility for paying a pro rated share of the cost of the homeowners association operation.
 - b. Agreement that the assessment levied by the association can become a lien on the property if not paid.
 - c. Agreement that the association shall be able to adjust the assessment to meet changed needs.
 - d. Guarantee of permanent unrestricted right to utilize lands and facilities owned by the association.

Section 12.05. Permitted Housing

The following housing types are permitted within cluster developments in any residential district:

- A. Single-Family Detached - This type of housing's principal feature is that the house is roughly centered on the lot and has front and rear yards and narrow side yards. Each unit in its own isolated structure and fixed in place.
- B. Lot Line House: The lot line house is a single family detached unit which instead of being centered on the lot is placed against one of the side lot lines. This makes the side yard usable and requires less land than a house centered on its lot. The front yard is seldom used, and may be substantially reduced.
- C. Twin House: The twin house is semi-detached, single family house, which is connected along a common party wall to similar unit. Each unit has only one side yard. Space is saved by eliminating two side yards. Staggering the units shall be encouraged.
- D. Town House: The town house is a form of single family attached dwelling in which units share common side walls and are often designed in rows. Privacy will require careful protection and the number of attached units may not exceed eight units. Good design shall de-emphasize the "lined-up" appearance in favor of the staggered to straight wall effect with

not more than three contiguous townhouses being built in a row with the same or approximately the same front line.

Section 12.06. Yard Requirements

Front yards may be staggered to provide a maximum variety in the size of such yards. The minimum average of all front yards shall be 24 feet on all lanes, courts, and ways (as defined below), however no front yards shall be less than 18 feet. Front yards along minor residential streets shall be no less than 30 feet, abutting an existing major residential or collector street 45 feet, and adjacent to arterials and freeways 80 feet. Side yards shall be a minimum of 10 feet. Rear yards shall be a minimum of 30 feet.

A. Definitions.

1. Lane: A residential street or cul-de-sac which serves a maximum of seven dwelling units and has an average daily traffic of fewer than 50 vehicles.
2. Court: A residential street which provides access for individual units. A court serves fewer than 18 dwelling units and has an average daily traffic of fewer than 115 vehicles.
3. Ways: A way is a residential street which provides access to individual dwelling units. It serves 18 to 35 units and has an average daily traffic of fewer than 250 vehicles per day.
4. Minor Residential Street: A minor residential street serves to collect traffic from courts, lanes and ways as well as give access to individual units. A minor street serves from 35 to 100 units and has an average daily traffic of fewer than 900 vehicles. Lanes, courts, ways and minor residential streets may be cul-de-sacs, loops, or minor cross streets. Variation in the design of these streets is encouraged.

Section 12.07. Lot Frontages

Twenty percent of proposed lots may reduce lot frontage to a minimum of 25 feet.

Section 12.08. Utilities

Community type water systems, designed to provide adequate water flows and sewer systems meeting the requirements and specifications of the Rutherford County Health Department shall be provided. In addition, fire hydrants shall be provided, at least, every 500 feet.

Section 12.09. Development Criteria

An approved subdivision plan for a cluster development shall provide for a total environment better than that which could be achieved under standard regulations. If, in the opinion of the Planning Commission, the proposed plan could be improved in respect to the criteria listed in this Article by the reasonable modification of the location of open space or buildings or configurations of lots, streets, and parking areas, the proposed plan shall be modified or denied. In acting on a proposed plan, the Planning Commission shall give particular consideration to the following criteria:

- A. Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural site features.
- B. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between the development and the land.
- C. Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site.
- D. Within the subdivision, a variety of architectural styles shall be encouraged.

- E. Adequate foundation plantings shall be provided for each lot.
- F. Attached dwellings shall be separated by a two hour fire wall at minimum.

Section 12.10. Approval Procedure

The general site plan, plot plan and architectural renderings of a proposed development shall be submitted to the Planning Department to determine if the project is in conformance with the provisions of this Article. The Planning Department shall determine if the project complies with the specified criteria. If the project complies with the criteria, it shall then be forwarded to the planning commission and carried through the subdivision process.

Section 12.11. Period of Approval

The project must be started (construction of projects begun) within twelve (12) months from the date of approval for approval to remain valid.

Section 12.12. Relationship of Planned Development Alternative

No variances of use, structure type or density for a district shall be granted for a cluster development. Any development requiring such variance shall be considered as a planned development.

Section 12.13. Fees, Inspection and Surety

The fee inspection and surety procedures followed for standard subdivision approval is applicable to all cluster developments.

ARTICLE XIII. GENERAL PROVISIONS

Section 13.00. Maintenance of Established Open Space

IN RESIDENTIAL DISTRICTS THE MAXIMUM LOT COVERAGE ALLOWED SHALL BE TWENTY (20%) PERCENT. (Lot coverage is calculated using only the structures on the lot.)

IN NON-RESIDENTIAL DISTRICTS THE MAXIMUM LOT COVERAGE ALLOWED SHALL BE EIGHTY (80%) PERCENT. (The lot coverage for non-residential lots or tracts shall be calculated as follows: The sum of the square footages for all structures and non-permeable areas divided by the total lot area equals the percent of lot coverage.)

Section 13.01. One Building Per Lot

Every building hereafter erected or structurally altered shall be located on a lot as herein defined. In no case shall there be more than one principal structure on one lot except as follows:

- A. Properties owned by any public body, buildings containing multiple-family dwellings, non-residential developments or bona fide farm properties may contain more than one principal structure.
- B. On residentially zoned tracts of land fifteen acres or greater, one additional principal structure may be erected on a single lot provided yard, area and other requirements of this Resolution are met for each structure as though it were on an individual or separate lot. (Amended February 14, 2002 and September 17, 2009)

Section 13.02. Landscape and Buffer Yard Regulations (amended March 11, 2010)

A. Purpose Statement

The purpose of this article is to provide landscaping regulations that will enhance the environment and visual character as development occurs within the county. The preservation of existing trees and vegetation, and the planting of new trees and vegetation will protect public and private investments, and promote high-quality development. Areas of transition will be created between land uses, in order to minimize adverse visual impacts, noise, light and air pollution. Therefore, this article requires landscaping to be planted in order to:

1. Encourage the preservation of existing trees and vegetation and replenish vegetation that is removed;
2. Facilitate the creation of attractive and harmonious communities with the intent to enhance property values;
3. Improve the visual quality of the county by minimizing the negative impacts of development;
4. Reduce environmental impacts, such as, noise, air and light pollution, reduce stormwater runoff and decrease soil erosion, improve soil and water quality, protect wildlife habitat, and reduce heat convection from impervious surfaces;
5. Minimize conflicts between land uses, reduce visual impacts to adjoining properties and public rights-of-way, create a transition between dissimilar land uses, promote and preserve the character and value of an area, and provide a sense of privacy;
6. Establish standards for the location, spacing, quantity, type, size, protection, planting and maintenance of landscape materials in order to accomplish the objectives listed above.

B. Applicability

1. Section 13.02 does not apply to agricultural structures, single-family or two-family detached dwelling units and residential subdivision developments.

2. *New Development.* No new building, structure or development shall be constructed, or parking area created, unless landscaping is provided as required in Section 13.02.
3. *Changes to Existing Buildings, Structure, and Developments.* The requirements of Section 13.02 shall apply to existing buildings, structures, and developments under the following circumstances:
 - a. If the estimated cost of a renovation, addition, or alteration of an existing building, structure or development equals 50% or more of the total assessed value of the existing building, structure, or development (including land), then the entire building, structure, or development including parking area shall comply with the requirements of Section 13.02. The value shall be determined from official County records. In the absence of an appropriate assessed value in the official County records, an appraisal performed by a licensed appraiser may be accepted.
 - b. If there is change in uses of an existing building, structure, or development, which requires rezoning of the property to allow the new use, then the entire building, structure or development including parking area shall comply with the requirements of Section 13.02.
 - c. If the number of existing parking spaces is expanded by 50% or more then the entire parking lot shall comply with the requirements of Section 13.02.
 - d. If the number of existing parking spaces is expanded by 25% to less than 50%, then the area of expansion shall comply with the requirements of Section 13.02.
 - e. If a new and separate building, structure, development, or parking area is constructed on the same lot of record as an existing building, structure, or development, only the separate and new building or parking area must meet the requirements of Section 13.02.

C. Definitions

1. *Buffer Yard:* A transitional space which consists of horizontal space (land) and vertical elements (plants, berms, fences, or walls) for the purpose of physically separating and visually screening adjacent land uses that are not fully compatible.
2. *Caliper:* A measurement of the diameter of a tree trunk measured 6" above the ground on trees less than 4" in size and 12" above the ground on trees larger than 4".
3. *Critical Root Zone:* A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival.
4. *Deciduous:* Those plants that annually lose their foliage.
5. *Disturbed Area:* The area of land where grading, excavation or other construction activities will take place on a site.
6. *Evergreen:* Those plants that retain their foliage throughout the year.
7. *Landscaping:* The area within the boundaries of a given lot that consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.
8. *Tree, Ornamental:* A small to medium tree, growing 12 feet to 25 feet at maturity often used for aesthetic purposes such as colorful flowers, interesting bark or fall foliage.
9. *Tree, shade or canopy:* A large tree growing over 25 feet in height at maturity, usually deciduous, planted to provide canopy cover shade.
10. *Shrub:* A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. May be deciduous or evergreen.

D. General Requirements

1. *Landscaping Plan Requirements.* A separate Landscaping Plan will be required as part of the Site Plan Review Process established in Article V of this Resolution. A licensed landscape architect shall be required to draw a Landscaping Plan if any of the following applies; 12 or more parking spaces are required by Appendix Chart 3 of this resolution, the new building exceeds 10,000 square feet in size, or the applicant is seeking an alternative method of compliance as described in section 13.02.I. The plan shall include:

- a. Project information including the total square footage of the property, the total linear feet of property lines, the square footage of the building areas, parking and other vehicular use areas.
 - b. Each project's calculations, i.e., dimensional attributes and resulting amount of planted areas.
 - c. Location of proposed buildings, parking areas, and access points including required vision triangles. A note shall be added that the landscaping plan shall be reviewed when designing the lighting plan in order to avoid conflict.
 - d. Location, size and type of planting material, both existing and proposed.
 - e. If applicable, a tree preservation plan with methods and details for protecting existing plants (critical root zones must be designated and established in order to receive tree credits).
 - f. Location and description of other improvements such as berms, fences, and walls.
 - g. Location of hose attachment or note that a permanent automatic irrigation system, designed/ built by an experienced designer and/ or contractor, shall be provided for all proposed landscape beds.
 - h. Location of utility and drainage easements.
 - i. Zoning designation of the subject property and the adjacent properties.
2. *Prohibited Plants.* Landscape plans shall not include any tree on the "do not plant tree list" with the exception of existing trees on the site which may still be considered for tree credits under section 13.02.G. The "do not plant tree list" shall be maintained on file in the Planning Department.
 3. *Plant Size and Spacing Requirements.*
 - a. At the time of planting, shade trees must be a minimum of 2 inches in caliper, ornamental trees must be a minimum of 1.5 inches in caliper and evergreen trees must be a minimum of 6 feet tall.
 - b. At the time of planting, shrubs used in the parking and vehicular use areas must be a minimum of 18 inches tall with the following exception; up to 30% of the required shrubs may have a minimum height of 12 inches tall at the time of planting. Shrubs used in the parking and vehicular use areas shall be able to achieve a minimum height of 3 feet, except for plants within the vision triangle.
 - c. At the time of planting, shrubs used in the buffer yard areas must be a minimum of 24 inches tall. Shrubs used in the buffer yard shall be able to achieve a minimum mature height of 6 feet.
 - c. Ornamental trees shall have a minimum horizontal separation from other required trees of 25 feet. Shade trees shall have a minimum horizontal separation from other required trees of 40 feet.
 4. *Utility and Drainage Easements.* Required landscaping shall not be permitted in utility easements unless approved by the utility provider in writing, and if approved, the property owner shall execute and record a restrictive covenant agreeing to full replacement of plant materials which may be removed by the utility in the exercise of its rights within the easement. Required landscaping shall not be permitted in drainage easements without the written consent of the County Engineer.
 5. *Vision Triangle.* All required landscaping must incorporate vision triangles that preserve the visibility of pedestrians and motorist. Any plant material taller than 24 inches shall not be permitted within vision triangles.
 6. *Mixture of Plants.* To promote variety and to minimize the potential impact of disease, sites that require the planting of more than 6 trees shall provide a minimum of 2 different tree species. Sites that require the planting of more than 9 shrubs shall provide a minimum of 2 different shrub species.
 7. *Fractions of Plant Material.* When calculating the required amount of plant material in buffer yard or landscaping requirements, any fraction one half or greater shall be rounded up to the next full number.

E. Buffer Yard Requirements

Certain land uses, because of their character and intensity, may create adverse impact on less intensive and varied adjacent land uses. Accordingly, the following regulations are established to protect and preserve the appearance, character and value of property throughout the County. Buffer yards are required where the development of a higher impact use abuts a lower impact use, as classified in subsection 13.02.E.1 and 13.02.E.2. Three levels of buffer yards have been established and described in subsection 13.02.E.3.

The Board of Zoning Appeals, the Regional Planning Commission, or the Board of Commissioners may increase the buffer yard requirements where it has approval authority if the proposed use has unique characteristics typically associated with a higher impact use; or if the proposed site has unusual site conditions such as topography or unusually shaped parcels that limit the required buffer yard's effectiveness.

1. *Impact Classification*

- a. No Impact: All permitted uses in the following zones are considered to have no impact, unless a specific use is listed elsewhere; R-100, R-40, R-20, R-15, R-10, R-8, and R-D. The following uses are considered to have no impact, regardless of zoning classification: agricultural farms, cemeteries, parks, single-family and two-family residential.
- b. Low Impact: All uses in the following zone are considered to have low impact, unless a specific use is listed elsewhere; R-MF. The following uses shall be considered low impact, regardless of zoning classification: institutional uses including but not limited to churches, day-care centers, community recreational facilities, and public buildings.
- c. Medium Impact: All uses in the following zones are considered to have medium impact, unless parking total exceeds 450 spaces or a specific use is listed elsewhere; C-2, C-3, S, AS, FIRE, T, and Mobile Home Park. The following use shall be considered medium impact, regardless of zoning classification: cell towers.
- d. High Impact: All uses in the following zones are considered to have high impact, unless a specific use is listed elsewhere; I, I-3, I-4, M, C, and Tr. The following uses shall be considered to have a high impact, regardless of zoning classification: junk yards, outdoor storage yards, and any property with parking for more than 450 cars.

2. *Buffer Yard Type*. Required buffer types are determined according to the following table:

Proposed Zone/Use Classification

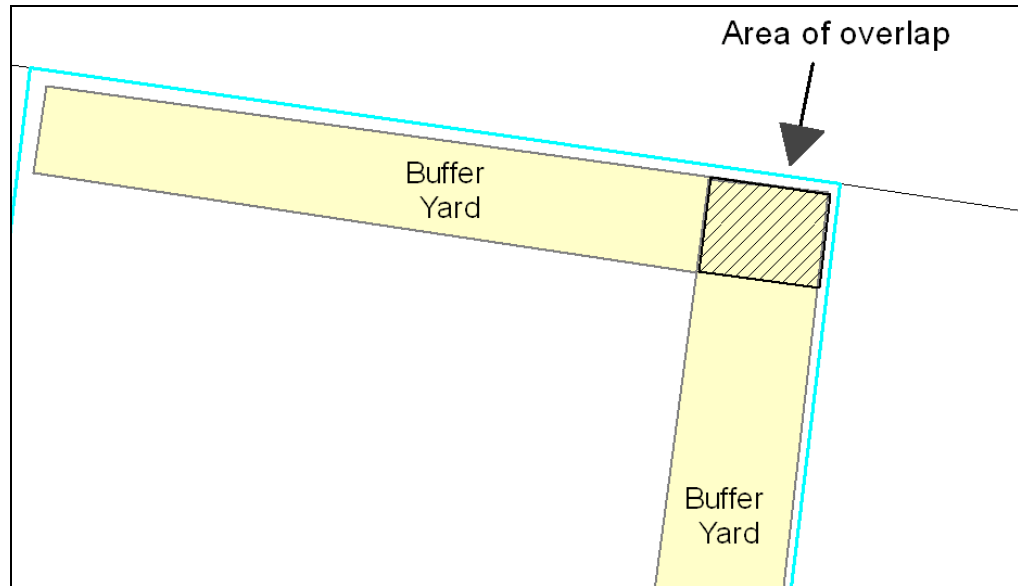
| | | No | Low | Medium | High |
|---|--------|------|--------|--------|--------|
| Adjoining Zone/Use Classification | No | None | Type 1 | Type 2 | Type 3 |
| | Low | None | None | Type 1 | Type 2 |
| | Medium | None | None | None | Type 1 |
| | High | None | None | None | None |

3. *Planting and Location Requirements*. A buffer yard shall be provided by the proposed use along the rear and side property lines abutting the lesser impact adjoining use. Where a development occurs on only a portion of a tract, the buffer yard may be placed at the edge of the development or at a location between the property line and the development that maximizes the effectiveness of the buffer yard. Buffer yards shall be spaced so that a

uniform screen is provided. See the table below for the planting requirements for every 100 feet, or fraction thereof, of each buffer yard type:

| Minimum Buffer Requirements for Every 100 Feet of Buffer Yard | | | |
|---|-----------------------------|-----------------------------|--|
| Buffer Type | Average Buffer Width (feet) | Minimum Buffer Width (feet) | Plant Material |
| Type 1 | 15 | 7.5 | 3 Evergreen Trees 2 Ornamental Trees 10 Shrubs |
| Type 2 | 30 | 15 | 5 Evergreen Trees 4 Ornamental Trees 20 Shrubs |
| Type 3 | 50 | 25 | 8 Evergreen Trees 5 Ornamental Trees 40 Shrubs |

- a. *Reduction of Plant Material.* A wall or solid fence, a minimum of 6 feet in height, constructed of masonry, rock, pressure treated lumber, or vinyl, may be used to reduce the amount of buffer yard plant material and width as follows:
 1. Type 1 buffer yard may be reduced to minimum buffer width and no shrubs shall be required.
 2. Type 2 and 3 buffer yards may be reduced to minimum buffer width, the amount of trees may be reduced by 50%, and no shrubs shall be required.
 The wall or solid fence must adhere to the Fence Design Guidelines in Section 13.08 of this Resolution.
- b. *Allowable Design Variations.* The landscape buffer yard is normally calculated as parallel to the property line. However, design variations, especially when used to incorporate native vegetation into the planting area, shall be considered. The edges of the landscape buffer yard may meander provided that:
 1. The total area of the yard is equal to or greater than the total area of the required landscape buffer yard; and
 2. The yard measures no less than the minimum width permitted by the applicable buffer yard standard at all points along the perimeter of the property line requiring a landscape buffer yard.
- c. *Varying Zone/ Use Classifications.* When a single property line is adjacent to multiple zone/use classifications, the most restrictive buffer yard will be required for the entire property line. (For example if the proposed use is a medium impact and along one side of the property is medium and low impact uses, then a Type 1 buffer yard would be required.)
- d. *Area of Overlap.* When required buffer yards overlap, as shown in the figure below, the area and planting materials shall count towards both buffer yards.



F. Landscaping Requirements for Parking and Vehicular Use Areas

All off-street parking and vehicular use areas (including driveways and loading docks) shall have landscaping covering at least 10% of the entire parking and vehicular use area. Landscaping shall be provided in accordance with the following:

1. *Total Required Plant Material.* To determine the total required planting area, multiply the entire square footage of off-street parking and vehicular use area by 10%. Within the planting area, plant material is required as follows:
 - a. 1 shade tree for every 200 square feet of required planting area or 1 ornamental tree for every 150 square feet.
 - b. Shrubs are required in addition to trees and at a rate of 1 per every 50 square feet of planting area.
2. *Planting Area Location.* All landscaping must be located between parking spaces, at the end of parking columns, in the immediate vicinity of the structure, along street frontage, or between parking spaces and the property lines. The location of landscaping shall adhere to the following:
 - a. *Interior Landscaping.* Interior planting areas shall be located to provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. Parking rows will be divided, begun or terminated with a landscape island. Between every 10 to 15 spaces, 1 landscaped parking island with a minimum dimension of 10 feet by 20 feet shall be provided. Each island shall contain 1 shade tree, unless tree credits (13.02.G) have fulfilled all the required shade trees within the parking area. All the remaining land in the island shall be covered by shrubs, ground cover, sod, or mulched with a 3 to 4 inch layer of bark.
 - b. *Perimeter Landscaping.* Unless supplanted by more stringent standards in subsection E. Buffer Yard Requirements, the perimeters of parking areas shall be separated from the edge of the right-of-way and adjacent property lines by a minimum of 7.5 feet of green space. The remaining required planting area shall be dispersed along any adjacent right-of-way or within the front yard setback. Required landscaping is encourage to be grouped in defined beds or mass planting areas as oppose to being placed in a linear design to achieve a more naturalistic appearance.
 - c. No landscaping area shall be less than 100 square feet in area.
 - d. All areas not covered by buildings, parking areas, vehicular use areas, sidewalks or other approved landscaping materials shall be landscaped with grass.
3. *Water Quality.* The use of water quality filters/ swales within landscaping areas to enhance stormwater drainage is strongly encouraged and must be approved by the County Engineer.

G. Credits towards Landscape/Buffer Yards for Preserved Trees

1. *Tree Credits.* Existing healthy trees, 4 inches in caliper or greater, may be substituted for required number of trees per the following table:

| Existing tree caliper | Tree Credits |
|------------------------|--------------|
| 4 – 8 inches | 1 |
| 8 – 12 inches | 2 |
| 12 – 16 inches | 3 |
| Greater than 16 inches | 4 |

Tree credits for buffer yard areas will be allowed only for existing trees within the proposed buffer yard. Tree credits for landscaping within a parking area will be allowed only for trees with a canopy within 15 feet of the proposed parking and vehicular use area. An existing tree straddling an adjacent property line may be considered for tree credits but any such tree shall only be credited for half the amount otherwise applicable.

2. *Tree Preservation Plan.* To receive credit for existing trees, a tree preservation plan shall be submitted as part of the landscape plan. A certified arborist shall review the tree preservation plan and shall visit the site to confirm the accuracy of the tree survey. The certified arborist shall provide documentation regarding the health and survivability of existing vegetation and establish the critical root zone for each tree or grove of trees. The Planning Director or their designee may waive the requirement for a certified arborist if the disturbed area is at least 20 feet away from the existing canopy drip line and the existing vegetation on site creates an opaque screen from the adjacent property.
3. *Tree Protection During Construction.* Protective barricades shall be placed around the critical root zone of all trees designated in the tree preservation plan prior to the start of development activities and shall remain in place until development activities are complete.
 - a. A protection barrier or tree fence shall be installed at a minimum of 3 feet in height around the tree or tree grove that is identified to be protected. The tree fence shall be constructed of a barrier material securely fastened to a wood or metal frame properly braced by 2 by 4 inch minimum structural members with cross braces, or another form of substantial barrier approved by the Building Codes Director.
 - b. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, and vehicles. No substantial disturbance shall occur within the protective barricade including compaction of soil, trenching, placing backfill, grading or dumping trash, oil, paint, or other materials detrimental to plant health.
 - c. Failure to comply with these requirements will result in the denial of tree credits and the landscape plan will have to be modified to include new tree plantings.
4. *Other Existing Landscape Material.* Existing landscape material which is proposed to be used to fulfill buffer yard/landscaping requirements shall be shown on the required tree preservation plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, the Planning Director or their designee, determines such material meets the requirements and achieves the objectives of this section.

H. Installation, Maintenance, and Enforcement

1. *Timing of Installation and Bond Requirements.* Required landscaping/ buffer yards must be installed on site before issuance of a Certification of Occupancy. The Building Codes Director may authorize a delay where planting season conflicts would produce high probability of plant loss. In the event the Building Codes Director authorizes a delay, a temporary certificate of occupancy may be issued. No temporary certificate of occupancy will be issued until a Security Bond/Performance Bond/ Letter of Credit from a bank chartered in Tennessee for 110% of the cost of any uncompleted landscaping, including labor, shall be submitted to the Planning Department. To determine the total

cost, the applicant shall furnish a cost estimate prepared by a qualified landscape contractor or nurseryman using prevailing material and labor costs. The bond must be placed by the owner of the property. The life of the bond shall not exceed 14 months. The bond will be released after landscaping is installed in accordance with the landscaping plan.

2. *Installation Standards.* All landscaping materials shown and listed on the approved plans shall be installed in a sound, workmanship like manner and according to accepted, good construction and planting procedures. Plants installed shall meet the standards for size, form, and quality set out in the American Standard for Nursery Stock, latest edition. Any landscape material, which fails to meet the minimum requirements of this section at the time of installation, shall be removed and replaced with acceptable materials. All landscaping shall be planted within 300 feet of a hose attachment or include an underground or aboveground irrigation system.
3. *Maintenance.* The owner shall be responsible for the continued proper maintenance of all landscaping/ buffer yard materials and shall keep them in proper, neat and orderly appearance, free from refuse and debris at all times.
 - a. Proper maintenance shall include regular weeding, mowing of grass, watering, fertilizing, pruning, and other maintenance of all plantings as needed. Shrubs used in buffer yards shall not be pruned to a height less than 5 feet. Topping trees or the severe cutting of limbs to stubs larger than 3 inches in diameter within the tree crown to such a degree as to remove the normal canopy is not proper maintenance of trees as required by this section.
 - b. Plants damaged, diseased or dead shall be replaced by the owner within 60 days of the occurrence of such condition. Should any plant designated on the tree preservation plan die, the owner shall replace sufficient landscaping to equal the tree credit within 60 days of the occurrence. If seasonal conditions are such that replacement cannot be accomplished immediately, this requirement can be temporarily delayed with the approval of the Building Codes Director.
 - c. Walls and fences used as screening structures shall be repaired and replaced so that they remain in a structurally sound condition as required in the Fence Design Guidelines in Section 13.08 of this Resolution.
4. *Enforcement.* Any violation of the terms of this article shall be a violation of the Zoning Resolution, and shall be subject to the penalties established in Article 22 of this resolution.

I. Alternative Methods of Compliance

1. *Unique features prevent strict compliance.* It is recognized that, on occasion, complete compliance with the requirements in Section 13.02 may be impractical. Accordingly, an applicant may request approval for an alternative landscaping scheme when one or combination of the below listed conditions exist:
 - The site involves space limitation or unusually shaped parcels or;
 - Soil, natural rock formations, topography or other site conditions are such that full compliance is impossible or impractical.

In order to have landscape requirements modified due to one or a combination of the above, the applicant must submit a written justification to the Planning Department. Within the justification, the applicant must describe:

 - a. which of the landscaping requirements will be modified and which above condition justifies using alternatives;
 - b. what alternative methods will be used (for example substituting ornamental grass for required shrubs due to poor soil conditions); and
 - c. how the proposed alternative meets or exceeds what is required.
2. *Approval of Alternative Landscaping Scheme.* The Regional Planning Commission shall review the proposed alternative landscaping scheme and determine if it is equivalent and whether it meets the intent and purpose of Section 13.02. The Planning Commission shall grant final approval, denial or approval with amendments. When making the decision, the Planning Commission should consider the unique features of the site; the

land use classification of adjacent properties; the number of plantings, species, arrangement and coverage proposed; and the level of screening, height, spread, and canopy of the proposed plantings at maturity.

Section 13.03. Off-Street Parking and Loading

A. Purpose.

The off-street parking and loading requirements and the regulations of such parking and loading set forth in this Section are designed to alleviate and prevent congestion in the streets.

B. Application of Regulations.

1. Existing, New, Changed, and Expanded Uses.

- a. No building, structure, or use lawfully established prior to the effective date of this Resolution shall be required to comply with the provisions of this Article except as hereinafter provided.
- b. All buildings and structures erected and uses established after the effective date of this Resolution shall all comply with the provisions of this Article, provided, however, that if a building permit was issued prior to the effective date of this Resolution and construction is begun within one year of the date of such permit, the parking and loading regulations in effect on the date such permit was issued shall apply.
- c. If the intensity of use of any building, structure, or use is increased by the addition of dwelling unit, gross floor area, seating capacity or any other measure of increased intensity, the provisions of this Article shall only apply to the extent of such increase in intensity of use.
- d. If the existing use of a building or structure shall be changed to a new use, such new use shall comply with the provisions of this Resolution, provided, however, that if the existing use is located in a building or structure existing on the effective date of this Resolution, additional parking and loading requirements shall be required only if the amount by which the requirements for the new use exceed the amount required for the existing use if such existing use were subject to the provisions of this Article.
- e. Any conforming or legally nonconforming building, structure, or use which is in existence on the effective date of this Resolution, which is subsequently damaged or destroyed and thereafter reconstructed, re-established or repaired may maintain the same amount of parking and loading which existed on the date of the damage or destruction, provided, however, if such damage or destruction exceeds 75% of the value of such building, structure or use, then the parking or loading requirements of this Article shall apply.
- f. No existing parking spaces on the effective date of this Resolution shall be reduced in number or size below the requirements of this Article.

C. Regulations of General Applicability - Off-Street Parking.

1. Location of Required Parking Spaces.

Except as may otherwise be provided in this Resolution, the off-street parking spaces required by this Article shall be located as provided in this subsection. Where a distance is specified, such distance shall be measured from the nearest point of the parking lot to the nearest point of the building structure or uses served by such parking lot.

- a. Single Family and Duplex Uses. Required parking spaces shall be located on the same lot.
- b. Multiple Dwellings and Non-Residential Uses.

- c. Required parking spaces shall be located on the same lot or on land within 300 feet of the building, structure or use served; provided that such off-site parking complies with the following requirements:
 1. Such off-site parking spaces are located within a zoning district which would permit the use to which such parking is necessary, or a conditional use permit obtained.
 2. Such off-street parking spaces are in the same ownership as the use served, or if not in the same ownership, the Planning Director determines that such off-site parking spaces are reasonably likely to remain available for use during the life of the use to be served. The owner of the use requesting the use of off-site parking spaces to fulfill required off-street parking requirements shall submit legal instruments to the Planning Commission for review by the County Attorney who shall submit a report to the Planning Commission indicating the length of time the owner may use such off-site parking spaces under such legal instruments and any other information the attorney considers relevant to the Building Official's determination
2. Computation of Required Parking Space.
 - a. When computation of the number of required parking spaces results in a fractional space, any fraction up to any including one-half shall be disregarded and fractions over one-half shall require parking spaces.
 - b. When parking spaces are computed on the basis of the number of employees or students, the maximum number present at any one time shall govern.
3. Collective Provision of Required Spaces.
The collective provision of required off-street parking spaces for two or more uses located in the same or different buildings or structures shall be permitted subject to the following conditions:
 - a. Except as provided in subsection C-4 of this section, the total off-street parking spaces provided collectively shall not be less than the sum of the requirements of each of the uses if computed separately.
 - b. The location requirements of subsection C-1 of this section are met as each such use.
4. Joint Use of Required Parking Spaces.
Joint use of up to 100% of required off-street parking spaces shall be permitted for two or more uses located in the same or different buildings subject to the following conditions:
 - a. The location requirements of subsection C-1 of this section are met.
 - b. The persons proposing the joint use of required off-street parking spaces shall file a joint written application with the Building Official setting forth the following information:
 1. The names, addresses, and telephone number of the applicants.
 2. The ownership and location of the off-street parking spaces proposed to be jointly used.
 3. The uses which will jointly use the required off-street parking spaces, the hours of operation of each such use, the number of required parking spaces for each such use and number of parking spaces proposed to be jointly used.
 4. Any other information required by the Building Official in rules published from time to time. Within (10) days after such applications is filed, the Building Official shall determine whether such joint use of required off-street parking spaces will be permitted, and shall in writing notify the applicants thereof.
5. Location of Parking on Site.
No required parking spaces for multi-family or townhouse dwellings shall be permitted in any required front yard except such parking shall be permitted in the front yard of townhouse dwellings when they are located on individual lots.
6. Regulations Applicable to Parking Voluntarily Established.
Any parking spaces, parking areas, or parking lots established, whether required by this Article or not, shall apply with the provisions of this Article.
7. Prohibition on Using Parking Spaces for Another Use.

Any land used for required off-street parking shall not be use for another purpose until required off-street parking spaces are established for the building, structure, or use served by the parking spaces located on such land.

D. Parking Design and Maintenance.

1. Dimension of Off-Street Parking and Queuing Spaces.

Off-street parking spaces shall be of dimensions as shown on Chart 3 of this Resolution. Off-site queuing spaces shall be at least ten feet in width and at least 20 feet in length.

2. Design Standards.

Parking lots shall be designed, constructed, and maintained in accordance with the following minimum standards and requirements:

- a. The design requirements for parking spaces and aisles located within a parking lot are set forth in Chart 3. The applicant for permits and approvals required by this Resolution shall choose any one of the parking angles and stall widths for such spaces as are indicated in Chart 3. The regulations opposite such parking angle and stall widths shall apply to the development of the parking lot.
 - b. Parking lots shall be surfaced with a double bituminous surface and be so constructed to provide for adequate drainage and to prevent the release of dust.
 - c. Landscaping shall be provided as described in Section 13.02.F. Landscaping Requirements for Parking and Vehicular Use Areas. (amended March 11, 2010)
 - d. If a parking lot abuts a street right-of-way or any landscaping required by Section 13.02, continuous curbing or individual wheel stops shall be provided along the perimeter of the portion of the parking lot which abuts right-of-way or landscaping. Curb cuts shall be provided within continuous curbing when water quality filters/swales are incorporated into landscaping areas as approved by the County Engineer. (amended March 11, 2010)
 - e. Any lighting used to illuminate off-street parking lots shall be so arranged to prevent direct glare onto any public or private property or streets.
3. The regulations of this subsection shall not apply to either minor or major home-based businesses. However, the Board of Zoning Appeals shall have the authority to require major home-based businesses to adhere to the requirements of this subsection (Added November 13, 2008).

E. Number of Parking Spaces.

1. The number of parking spaces required for specified uses is set forth in Chart 3 of this Resolution.
2. Land utilized for single family residential and/or duplex uses shall utilize no more than four parking spaces on a zoning lot.
3. For uses not expressly listed in Chart 3, parking spaces shall be provided on the same basis as required for the most similar listed use, as determined by the Building Official pursuant to the Building Official's authority to interpret the provisions of this Resolution.

F. Regulations for General Applicability - Off-Street Loading.

1. Location of Required Loading Spaces.

Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in a required front yard.

2. Designation and Use.

Each required loading space shall be designated as such and shall only be used for loading purposes.

3. Screening

If a loading space or maneuvering area related thereto abuts or is located within fifty feet of residentially zoned property or the residential portion of an approved planned unit, development such as loading space or maneuvering area shall be screened from the view of such residential uses by a solid wall, barrier, or fence of at least six feet in height or a densely planted landscape screen consisting of evergreen shrubs or trees which shall be at least four feet in height when planted and which can be expected to reach at least six feet

in height within three years thereafter. Such screening shall be located along the lot line of the property where such loading space is located.

Section 13.04. Accessory Structures and Uses (Amended August 2008)

A. Authorization.

Accessory structures and uses are permitted in any zoning district in connection with any lawfully existing principal structure and use.

B. Particular Permitted Accessory Structures and Uses.

Accessory structures and uses include, but are not limited to, the following, provided, however, that each structure or use shall comply with the standards and requirements of subsection C, D, and E:

1. Detached accessory structures incidental to a permitted use (i.e. garages, carports, pools, etc.) shall be limited in size based on the table below and may be permitted provided that the maximum lot coverage is maintained (See Section 13.00). Square footage measurements of detached accessory structures shall include the entire structure, including any expandable areas accessed by a formal staircase (e.g. bonus rooms on a second floor), finished or unfinished.

| Size of parcel | Total combined square footage for all detached accessory structures |
|--------------------|---|
| 1 acre or less | 1,200 sq ft |
| 1.01 to 4.99 acres | 1,800 sq ft |
| 5 acres or more | 2,500 sq ft * |

* Agricultural buildings are exempt from this total. See definition of agricultural (Section 2.02)

2. Tennis courts, lighted or unlighted, accessory to a residential building and limited to use by the occupants thereof and their guests.
3. Swimming pools shall comply with the International Residential Code for Swimming Pools, Spas and Hot Tubs, as adopted by the Rutherford County Building Codes Department and as amended regarding setback requirements.
4. Fences, wall, and hedges.
5. Outdoor storage of no more than one boat and boat trailer and no more than one camping trailer or recreational vehicle per dwelling unit; provided no part of such storage area shall be located in a front yard and provided such boat and camping trailer or vehicle shall not be used for living, sleeping, or housekeeping purposes.
6. Radio, television, and satellite antennas, subject to the height restrictions of the district in which they are located.
7. Off-street parking subject to the provisions of Section 13.03 of this Resolution.
8. Signs, except advertising signs, subject to the provisions of Article XX of this Resolution.

C. Prohibited Accessory Structures and Uses.

1. Outdoor storage is prohibited, except as expressly permitted. Structures built on a permanent chassis, such as mobile homes, portable classrooms, etc. shall not be allowed as accessory structures, except in conjunction with a construction site. Construction trailers for on-site security, contractor's office, or storage used by a building contractor during the construction phase of a building project are permitted, provided that the trailers are removed from the site prior to issuance of a final certificate of occupancy.
2. Mobile storage units, e.g., semi-trailers, converted vans, or converted buses, shall not be used as accessory structures for storage or human occupancy on any residential lot. It is not the intent of this regulation to prohibit any structures/uses that qualify for an agricultural exemption.

D. Bulk and Location Regulations.

Accessory structures and uses, except parking and parking areas and lots and signs which are subject, respectively to the provisions of Section 13.03, and Article XX of this Resolution, shall be subject to the bulk and location regulations hereinafter set forth.

1. In all residential districts, detached accessory structures and uses, except fences, walls, and hedges, shall be located in the side or rear yard, and setback a minimum of five feet from side and rear property lines and prohibited in the front yard set back.
2. In all residential districts, accessory structures may be permitted in front of the principal structure when the principle structure is set back from the front property line more than sixty (60) feet.
3. In all non-residential districts, accessory structures, except fences, walls, and hedges, shall comply with the same front, side, and rear setback as is required for the principal structure except as noted in this subsection. A detached accessory structure used for storage or as a dumpster enclosure may be located not less than five feet from a side or rear lot line provided it is less than two hundred (200) square feet in floor area.
4. Building permit applications for accessory structures shall be accompanied by a plot plan indicating the location of the property lines, and the location of the field lines and septic tank.
5. Setbacks for accessory structures from septic tanks and field line areas shall comply with the setback requirements contained in the State of Tennessee Department of Environment/Division of Groundwater Protection Rules and Regulations, as amended.
6. On corner lots, no accessory structure or use, and no planting of more than three feet in height, shall be established or maintained within the area of the vision triangle.
7. Detached accessory structures shall be considered attached for the purposes of setbacks if the accessory structure is within three (3) feet of the principle structure.

E. Use Limitations.

1. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.
2. No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is accessory.
3. A non-commercial storage facility, workshop or other structure for the private use of the landowner (i.e. garage, shed, etc.) may be constructed on a residentially zoned piece of property prior to the establishment of a principal structure with a Type II Conditional Use Permit granted by the Board of Zoning Appeals consistent with Articles VI and VII of this Resolution. These non-commercial structures must adhere to the following criteria:
 - a. The size of the accessory structure must conform to the size limitations of Section 13.04 B. 1.;
 - b. The structure must meet all applicable setback, height and lot coverage regulations;
 - c. Only one (1) structure will be permitted per property, excluding approved agricultural structures (i.e. barns, silos, etc.);
 - d. The structure must not be used for any of the following activities:
 - i. Living quarters
 - ii. Commercial activities
 - iii. Storage for businesses that occur off of the property, including home-based businesses
 - e. None of the regulations listed in this section shall prohibit or restrict approved agricultural structures or uses as defined by this Resolution or Tennessee State Law. (Added March 11, 2010)

F. Home Based Businesses (This section added on November 13, 2008).

1. All home-based businesses shall conform to the following general requirements:
 - a. Home-based businesses must be conducted within a residential dwelling unit which is the bona fide residence of the principal practitioner or within an approved accessory building thereto which is normally associated with a residential use.
 - b. No home-based business shall be permitted that changes the outside appearance or character of the dwelling unit.
 - c. No display of stock-in-trade products shall be visible from the street.
 - d. The equipment used by the home-based business and the operation of the home-based business shall not create any vibrations, heat, glare, dust, odors, noise, or smoke discernable at the property lines.
 - e. Home-based businesses shall not create any electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use and/or store hazardous materials in excess of quantities permitted in residential structures.
 - f. Delivery vehicles used to deliver goods to the home-based business are limited to passenger vehicles, mail carriers, and express carriers such as, but not limited to, UPS, Fed Ex or DHL.
 - g. None of the regulations listed in this section shall prohibit or restrict approved agricultural uses as defined by this Resolution or Tennessee State Law.
2. Minor home-based businesses shall be permitted by right in any residential zoning district, including residential portions of approved planned developments. In addition to the general provisions for home-based businesses, minor home-based businesses shall conform to the following provisions:
 - a. Minor home-based businesses shall have no more than one (1) nonresident employee on the premises at any one time. The number of nonresident employees working at locations other than the home-based business is not limited.
 - b. Minor home-based businesses shall not use more than 25 percent of the gross floor area of the principal structure. Minor home-based businesses conducted entirely within an approved accessory structure shall not use more than 500 square feet of the accessory structure.
 - c. Minor home-based businesses shall be limited to the parking/storage of one (1) business vehicle on the premises. Vehicles shall not be stored/parked in the front yard. For the purposes of this section, front yard shall be defined as the area from the front line of the dwelling unit to the property line. 18-wheel tractor-trailers shall not be permitted on lots of less than two (2) acres.
 - d. Minor home-based businesses are not required to provide any additional parking beyond what is required for the residential use.
 - e. Minor home-based businesses shall not create more than five (5) customer/client visits in any one day and no more than two (2) customers/clients can be present at any one time.
 - f. The following activities shall not be approved as minor home-based businesses:
 - Automobile/vehicle repair
 - Kennels, stables, veterinarian clinics/hospitals
 - Medical and dental clinics/hospitals
 - Restaurants, clubs, drinking establishments
 - Barbershops/beauty salons
 - Undertaking and funeral parlors
 - Retail sales of goods not made on the premises
 - Sexually Oriented Adult Businesses, as defined in Article XXV

It is recognized that this list may not be totally inclusive. The Planning Director or their designee shall make the determination of whether an unlisted business is similar to a listed prohibited use and issue or deny a minor home-based business permit.

- g. Outdoor storage of any material used in connection with the home-based business, with the exception of one (1) business vehicle, is not permitted.
 - h. Signage is not permitted.
3. Major home-based businesses shall be permitted only with the approval of a Conditional Use Permit by the Board of Zoning Appeals. In addition to the Standards of General Applicability found in Article VII of the Rutherford County Zoning Resolution, and the general provisions for home-based businesses located in this section, major home-based businesses shall conform to the provisions in Section 7.05.

Section 13.05. Devastation of Structures

Conforming structures and/or uses which are destroyed by fire or natural disasters shall be restored or, said structure and/or use shall be removed and parcel cleared within one year of said fire or natural disaster. Failure to do so will be considered a violation of this Resolution and punishable as outlined in Article XXII.

Section 13.06. Septic / Well Separation

Well sites shall be setback a minimum of seventy-five (75) feet from the septic tank and field line areas; this separation may be increased when wells are located at a lower elevation than drainfields.

Section 13.07. Fire Hydrant Requirements

If there is no fire hydrant within one thousand (1000) feet of the effected property, then all nonresidential development shall install a fire hydrant on site subject to the approval of the Consolidated Utility District and the State of Tennessee Fire Marshall.

Section 13.08. Fence Design Guidelines

1. All fence materials shall be treated wood or wood of natural resistance to decay, hot-dip galvanized steel, plastic materials, rocks, masonry components, aluminum, cast metal, or other similar materials or combination of materials. All wood shall be construction grade 2 or better. All fence posts/supports shall be set into the ground a minimum depth of two (2) feet. If conditions on the property (e.g. rock) make it difficult to comply with this requirement, alternate measures may be utilized after consultation with the Planning and Engineering Department and Building and Codes Department. In any event, adequate measures shall be employed in order to ensure the long-term stability of the fence.
2. Permitted fences - The following types of fences are permitted in all zoning districts:
 - Masonry or Stone Walls
 - Ornamental Iron
 - Chain-link
 - Wood
 - Other materials may be considered on a case-by-case basis
3. Prohibited Fences - The following types of fences are prohibited:
 - Fences constructed primarily of barbed wire or razor wire, except when used in conjunction with an agricultural use or purpose.
 - Fences carrying electrical current, except for the purpose of enclosing livestock for an agricultural use.
 - Fences constructed of readily flammable materials such as paper, cloth, or canvas except for temporary fences required by law (e.g. drainage silt fencing).
 - Fences topped with barbed wire, concertina wire, and or metal spikes in residential areas, except those serving a public institution for public safety or security purposes.

- Fences constructed of concertina wire.
 - Fences or walls made of solid plywood, scrap lumber, and similar non-customary materials.
 - Fences or walls made of common concrete or cinderblock.
 - Fences, walls, or hedges on any portion of any public right-of-way, except fences erected by a governmental agency.
 - Fences, walls, or vegetation that interferes with clear vision at or near a public or private street, alley, driveway or other means of ingress or egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such ingress or egress.
 - Fences, walls, or vegetation so constructed or planted as to impede the natural water drainage and or water runoff.
4. Fences shall be positioned so that the finished side faces away from the lot on which it is constructed.
 5. Five (5') feet of clearance shall be maintained between any fence and all sides of an electrical transformer, except the side of the transformer which is padlocked shall have a ten (10') clearance.
 6. Five (5') feet of clearance shall be maintained between the fence and all sides of an electrical pedestal.
 7. Maintenance - It is the responsibility of the owner of the property on which the fence is erected to maintain the fence structure in good repair at all times. If a fence is found to be in a deteriorated condition or in need of repair, including but not limited to broken or missing structural components, or the fence is substantially less than perpendicular to the grade, the property owner may be ordered to repair, replace, or remove the fence depending on the condition of the fence. Such order shall be issued by the Building Official pursuant to the Rutherford County Zoning Resolution.
 8. No fence shall be erected or maintained within the Vision Triangle as defined in Section 2.02 Definitions of this Resolution. (amended March 11, 2010)

Section 13.09. Temporary On-Demand Storage Crates

Temporary On-Demand Storage Crates shall require the issuance of a zoning compliance form. No fee for a zoning compliance form for temporary on-demand storage crates will be required. The zoning compliance form shall be issued subject to the following requirements:

- A. The use of a temporary on-demand storage crate shall be limited to no more than fifteen (15) days in any calendar year. Planning staff may grant one (1) 15-day extension, provided the owner has a valid building permit for activity on the lot that necessitated the temporary on-demand storage crate, or has demonstrated that extenuating circumstances exist to justify the extension. The County commissioner in whose district the crate is located shall be notified of any extensions granted. Extenuating circumstances shall include, but are not limited to, disasters such as tornado, fire or flood. Any further extensions shall be approved by the Planning Commission.
- B. Property zoned for residential purposes, including any residential portion of an approved planned development, shall be permitted no more than one temporary on-demand storage crate at one time.
- C. Temporary on-demand storage crates shall be located on the same lot as the principal structure or principal use served and shall not be placed on property where no principal structure exists unless a conditional use permit has been issued by the Board of Zoning Appeals.
- D. Temporary on-demand storage crates shall be located at least ten (10) feet from the front property line and any septic tank and field line areas, and at least five (5) feet from all other property lines. In residential areas, crates may be placed in the driveway of the principal use being served, provided that adequate parking space for at least two (2) vehicles is maintained.

- E. Temporary on-demand storage crates shall not be placed in a public right-of-way, or be located so as to interfere with a vision triangle.
- F. Temporary on-demand storage crates which serve as accessory uses to an approved agricultural use or in any nonresidential zone are exempt from these provisions.

Section 13.10 Accessory Dwelling Units (ADUs)(added September 17, 2009)

A. Authorization

ADUs are permitted in any residential zoning district in connection with any lawfully existing single family dwelling. There are two (2) categories of ADUs: By-right and ADU's requiring Conditional Use Permits.

B. General Provisions for ADUs

1. Applications for an ADU must meet certain conditions. In no case, shall an Application for an ADU request an amendment to the following requirements:
 - a. The property owner must reside in either the principal structure or the ADU.
 - b. Only one ADU is allowed per lot in conjunction with a single family house. ADUs are not allowed in conjunction with duplex or multi-family dwelling units.
 - c. An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
 - d. Development Tax fees will be required for the ADU.
 - e. Off-street parking, in addition to the off-street parking required for the single-family residence as required in Chart 3, shall be required for the ADU.
 - f. Prior to the issuance of a permit, a floor plan and/or architectural renderings must be submitted showing the proposed interior and exterior of the ADU.
 - g. Verification from the state of Tennessee Department of Environment/Division of Ground Water Protection that the individual on-site wastewater treatment or septic system has the capacity to serve the ADU. Also, verification that the ADU can adequately be served by water and electric service providers must be provided.
 - h. Only one minor or major home based business may be conducted on a lot that contains an ADU. The business may be located in either the principal structure or the ADU.
2. Design and Occupancy Standards.
 - a. The second unit must be occupied by family members, as defined in Article II of this Resolution, or their invited guests.
 - b. Any new separate outside entrance serving the ADU shall not be visible from the right-of-way.
 - c. An ADU shall be designed to maintain the architectural design, style, appearance and character of the principal residence. The ADU must be consistent with or visually match the existing façade, roof pitch, siding and windows of the primary residence.
 - d. A separate driveway providing exclusive access to the ADU from a road shall not be allowed unless problematic lot-specific circumstances (e.g. topography, significant existing structures or improvements) necessitate separate driveway access as determined by the Planning Director or their designee.

C. Particular Standards for By-right ADUs.

1. Attached

- a. ADUs attached to the single-family dwelling are limited to an area totaling less than twenty-five (25) percent of the gross floor area, excluding garage

and utility space, of the principal structure or 300 square feet, whichever is greater.

- b. Must maintain the setback requirements of the underlying zoning district for principal structures.
- c. A minimum of one (1) acre of land area is required.

2. Detached

- a. Detached ADUs shall be considered attached for the purposes of setbacks if the accessory structure is within three feet (3') of the principal structure. Otherwise, detached ADUs may be located in the side or rear yard of a lot and provide a five feet (5') minimum setback from the side and rear property lines.
- b. Detached ADUs may be established within an existing, legally established accessory structure which meets the current adopted building code for residential structures in Rutherford County.
- c. The size of the dwelling unit will be subject to the square footage limitations for accessory structures listed in the table found in Section 13.04.B.1. of this Resolution and such unit shall in no case exceed the size of the principal structure. An ADU must however, provide the minimum area requirement of 300 square feet as required by the building codes currently in effect for Rutherford County for a dwelling unit.
- d. A minimum of one (1) acre of land area is required.

- 3. Agricultural employee housing shall only be required to comply with those standards contained in subsection B. deemed applicable by the Planning Director or their designee. An agricultural employee housing unit located within an agriculture building is limited to an area totaling less than twenty-five (25) percent of such building or 300 square feet, which ever is greater. The agricultural housing unit must be built according to the adopted building code for Rutherford County.

D. ADUs Requiring Conditional Use Permit.

1. Type II Conditional Use Required.

Applications for an ADU requiring a Type II Conditional Use Permit from the Board of Zoning Appeals are listed as follows:

- a. The criteria set forth in Subsection B.2. and C. above cannot be met.
- b. Applications for an ADU involving a Type B mobile home.

- 2. The Board of Zoning Appeals may impose additional standards or use conditions beyond those enumerated above if deemed necessary by the Board.

E. Existing ADUs.

Legally created accessory dwellings units established prior to the enactment of these regulations may continue to exist and will be regulated by the conditions under which it was approved.

F. Abandonment of an ADU.

A property owner may choose to abandon an ADU by meeting the following criteria:

- a. If attached to the principal residence, then access must be established between the housekeeping units without going outdoors.
- b. The kitchen facility must be removed from the ADU so that it is no longer a self-sufficient unit.

- c. Inspections from the Building Codes Department will be required to ensure that all regulations are followed.
- d. An instrument is recorded in the register's office stating that the ADU no longer exists.

ARTICLE XIV. ZONING DISTRICT MAP

Section 14.00. Map Incorporated

The boundaries of the zoning districts hereby established are shown on maps entitled "Rutherford County Zoning District Map." The zoning district maps and all notations, references and other information shown thereon shall have the same force and effect as if fully set forth and described in this Resolution and such maps are hereby made a part of this Resolution. The zoning district maps shall be properly attested and kept on file at the Rutherford County Planning Department.

Section 14.01. Omitted Land

It is the intent of this Resolution that the entire area of Rutherford County, except any incorporated territory, including all land and water areas, rivers, streets, alleys, railroads and other rights of way be included in the districts established by this Resolution.

Section 14.02. District Boundaries

In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:

- A. The district boundaries are the center line of streets, alleys, waterways and rights of way, unless otherwise indicated. Where designation of a boundary line on the Zoning District Map coincides with the location of a street, alley, waterway or right of way shall be construed to be the boundary of such district.
- B. Where the district boundaries do not coincide with the location of streets, alleys, waterways, and rights of way but do coincide with lot lines, such lot lines shall be construed to be the boundaries of such district.
- C. Where the district boundaries do not coincide with the location of streets, alleys, waterways, and rights-of-way or lot lines, the district boundary shall be determined by the use of the scale shown on the Zoning District Map.
- D. Where the district boundaries are not otherwise shown, and where the property has been or may be hereafter divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map made a part of the Resolution are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.

ARTICLE XV. DISTRICTS ESTABLISHED

For the purpose of this Resolution, the unincorporated lands within Rutherford County are divided into classes of districts as follows:

11.00 Planned Unit Developments (Amended May 14, 2009)
PUD (as regulated in Article XI)

16.00. Residential Districts

R-100 Residential
R-40 Residential (Amended October 11, 2001)
R-20 Residential (Amended October 11, 2001)
R-15 Residential
R-10 Residential
R-8 Residential
R-MF Residential Multi-Family
R-D Residential Duplex

17.00. Commercial Districts

C-2 Commercial – Pre-1984 Zoning District
C-3 Recreational Commercial
S - Services
AS- Agricultural Services
FIRE - Finance-Insurance-Real Estate
T - Retail and Wholesale Trade

18.00. Industrial Districts

I - Industrial
I-3 Resource Production and Extraction
I-4 Landfill District
M - Manufacturing
C - Construction
Tr- Transportation

19.00. Flood Hazard District

23.00. Mobile Home Park

The minimum lot and yard requirements, maximum heights and land use intensity ratios for these zones are listed in Chart 2. Permitted uses are outlined in the Standard Industrial Classification Manual, if not specified otherwise.

ARTICLE XVI. RESIDENTIAL DISTRICTS

Section 16.00. Residential Development Policies

The ability of local governments to provide services in a timely and efficient manner is an overall development issue very much influenced by the special pattern of residential development. When development takes place in a decentralized uncoordinated manner, noncontiguous to urban growth areas, many years pass before the provisions of much needed urban services become economically feasible. A development policy limiting growth to areas within or immediately adjacent to existing urban development would be unduly restrictive and counter productive. However, we must recognize that the continuation of an uncontrolled random pattern of development would be contrary and detrimental to the goal of providing urban public services in a timely and efficient manner. Therefore, an overall goal for the county is to increase order and efficiency in the pattern of development throughout the county, and the provision of decent housing in a suitable living environment for all income groups. In pursuit of this goal, the following policy statements are appropriate.

- A. Urban type development should be discouraged in areas where the characteristics of the land make it unsuitable for development at urban intensities.
- B. Urban development should be discouraged in remote rural areas where the provision of major public infrastructures (highways, water, fire protection, sewers, drainage facilities) cannot reasonably be expected within a twenty year period.
- C. The overall orderly pattern of development should be sufficiently general to permit the flexibility required by private enterprise to function normally in the development process.
- D. New urban development should be encouraged and supported in areas contiguous to existing urban development, where the extension of public services can be accomplished in an orderly and efficient manner.
- E. New urban development which is not contiguous to existing municipalities should be permitted in areas which can reasonably be expected to be served by major public infrastructures within ten to twenty years.
- F. Appropriate "infilling" of developable vacant land should be encouraged and promoted in order to achieve greater utilization of existing municipal services and facilities, to reduce the need for the costly extension of services, and to increase the feasibility of providing services which presently do not exist in predominantly developed areas.
- G. The rural character of many non-growth areas of the county should be protected against congestion by regulating the density of population.
- H. Adequate open space and a maximum conservation of natural sites and historic areas must be promoted. This policy is to be achieved by permitting and utilizing the planned development, mixed use and cluster concepts for development which provide large open areas with greater utility for rest and recreation, and encourages the development of more diverse housing types, more attractive, economic and less monotonous building forms, and requires extensive buffering which replenishes the natural vegetation of the county.
- I. Appropriate space should be provided for those public and private, education, recreational, health, and similar facilities, which serve the needs of nearby residential areas, which generally perform their own activities more effectively in a residential environment and which do not create objectionable influence. This policy may be accomplished via the conditional use concept.

- J. The conservation and management of our basic natural resources is an integral part of residential development. The principles underlying an environment policy should include:
1. Minimizing consumption of nonrenewable resources;
 2. Replenishment or recycling of renewable resources;
 3. Effective protection of unique or critically endangered resources by controlling the side effects of development;
 4. Effective preservation and protection of living areas.
- K. Decent housing in a suitable environment for all families and individuals is essential to the county's well being. These basic shelter requirements are now denied to many low and moderate income households, and the growing gap between household income and the cost of housing is pricing more and more middle income households out of the housing market as well. The following policies are recommended to improve the availability of sound housing for low and moderate income households.
1. A reduction in substandard housing depends on a program of both new construction and rehabilitation of substandard units for low and moderate income families. While the per unit cost of rehabilitation is lower than the cost of new construction, the housing stock for low and moderate income families is not increased by rehabilitation alone. The specific combination of new publicly assisted housing construction and rehabilitation for lower income families should be evaluated over a middle-range time period depending on needs and conditions of each particular period.
 2. Aggressive application of federal and state housing programs for low and moderate income families is encouraged.
 3. The conservation of the existing housing stock should be a major component of a long-range housing program for the county. Systematic housing and building codes enforcement should be coupled with a program for assistance to low and moderate income families for housing rehabilitation so that the improved housing is within the income of those families.
 4. Greater recognition should be given to mobile homes as a housing resource for lower income households. As an alternate which would reduce reliance on subsidy programs for low cost housing, mobile home parks meeting high performance standards should be encouraged. The timing and placement of mobile home parks should ensure adequate access to public services and convenience facilities.
 5. Housing should be eliminated only when its occupants can be assured of acceptable substitute accommodations in the same or an equivalent neighborhood.

ARTICLE XVII. COMMERCIAL DISTRICTS

Section 17.00. Commercial Development Policies

Included in the broad category of commercial uses are such activities as retail trade; consumer and business services like banks, insurance firms, automobile repair shops, construction contractors, and real estate agencies; personal services such as eating and drinking places, transient lodging, and beauty and barber shops; professional services including legal, architectural engineering and public relation firms; and private entertainment and recreational services. The development and location of these varied activities should be determined on the basis of the following consideration: a) traffic demands on existing and planned transportation facilities; b) orientation to consumer markets and impact on existing and future market areas; c) functional relationship among commercial activities; d) relationship with and impact on surrounding land uses; e) implications for future land development patterns; f) impact on existing and planned utilities and community services; g) impact on drainage patterns and implications for surrounding land uses; h) impact on prime farmland. By far the most prevalent types of commercial development in the county has occurred along arterial and collector streets and is commonly referred to as "strip commercial." Because many businesses along these highways preceded recognition of the design controls, they contribute to and are affected by traffic congestion, inadequate parking, and unsightly landscape, and confusing and hazardous circulation patterns. An additional problem of strip commercial development is its impact on adjacent residential areas. Traffic congestion and noise, glaring and blinking lights, littering, loss of privacy, and land use change are nuisances or threats which adversely affect adjacent residences. Conversely, where existing businesses have inadequate space to expand, economic disinvestment may occur which could aggravate the blighting influences on adjacent residential areas. The following policies should govern land use decisions for commercial expansion:

- A. General commercial (C-2) zone (the C-2 zone contains property zoned commercial prior to the adoption of the 1984 Zoning Resolution) expansion into an adjoining residential neighborhood should seek a solution satisfactory to commercial and residential interest. The following considerations should be used:
 1. The expansion needs should accommodate the definite needs of an existing use and not be for speculative or indefinite purposes;
 2. Expansion of a commercial area for a new business should be considered only when the site is clearly unsuitable for the proper development of retailing customarily locating in the area; and
 3. Where both residential and commercial interest cannot be resolved.

The final decision should be that which minimizes disinvestment and deterioration and maximizes new investment and revitalization thereby enhancing the county tax base.

- B. In most cases, commercial expansion should be accomplished through commercial planned unit development regulations and/or the office "buffer" (C-4) zone. Major commercial activities, such as large shopping centers or office parks, should be encouraged to seek locations where a greater concentration of commercial development can occur.
- C. The Commercial-Planned zone allows for the development of shopping center type developments in accordance with the site plan review criteria and planned development criteria of this resolution. In reviewing proposed C-P developments the commission may request additional studies on traffic, drainage and environmental impact, and submit the proposed plans to the Greater Nashville Regional Council for their review and recommendation.

ARTICLE XVIII. INDUSTRIAL DISTRICTS

Section 18.00. Industrial Development Goals

The Industrial Districts established by this Resolution are designed to promote and protect the health, safety, convenience, order, prosperity and other aspects of the general welfare. The goals include the following specific purposes:

- A. To provide sufficient space, in appropriate locations, to meet the needs of Rutherford County's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need or choice of suitable sites.
- B. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and as far as possible, provided that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
- C. To encourage industrial development which is free from danger of fire, explosives, toxic or noxious matter, radiation, smoke, dust or other particular matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this Resolution restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- D. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic and noxious matter, radiation, smoke, dust or other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this Resolution restricts the omission such nuisances, without regard to the industrial products or processes involved.
- E. To protect industrial activities and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land.

Section 18.01. I- Industrial

This zone district contains property zoned Industrial prior to the adoption of this resolution. Those areas are subject to the provisions outlined in the 1962 Rutherford County Zoning Resolution as it related to uses permitted.

Section 18.02. I-3 Resource Production/Extraction

Resource Production and Extractive industries play a minor role in the overall economy. However, to the extent that natural resources can be used to minimize materials costs for local production activities, as well as provide economic benefits to the community, such activities should be encouraged, provided that the economic benefits are not offset by adverse social, physical, and environmental impacts. This district is intended to accommodate such uses. Specific site operation and restoration plans are required.

Section 18.03. I-4 Sanitary Landfill District

This accommodates the installation of incinerator and state-approved landfills. Specific site operation and restoration plans are required and shall be approved by the legislative body.

Applicants requesting the I-3 and I-4 zoning classification shall submit a sworn affidavit stating that all permits and approvals required by local, state, or federal environmental laws or regulations including, water and air pollution laws, have been or will be secured and that such use shall be operated in accordance with any such local, state, or federal environmental law or regulation.

ARTICLE XIX. FLOOD HAZARD DISTRICT (Amended September 17, 2009)**Section 19.00. Statutory Authorization, Findings of Fact, Purpose and Objectives****A. Statutory Authorization**

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National flood Insurance Program. Therefore, the Board of County Commissioners of Rutherford County, Tennessee, does resolve as follows:

B. Findings of Fact

1. The Rutherford County Board of County Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the National Flood Insurance Program found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of Rutherford County are subject to periodic inundation which could result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

It is the purpose of this Resolution to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Resolution is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards or which result in damaging increases in erosion, flood heights or velocities;
2. Require that uses vulnerable to floods, including County facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Resolution are:

1. To protect human life, health, safety and property
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area; and
8. To maintain eligibility for participation in the National Flood Insurance Program.

Section 19.01. Definitions

Unless specifically defined below, words or phrases used in this Article shall be interpreted as to give them the meaning they have in common usage and to give this Article its most reasonable application given its stated purpose and objectives.

"Accessory Structure" shall represent a subordinate structure to the principal structure on the same lot and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Resolution or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"Area of Special Flood-related Erosion Hazard" is the land within a community, which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building", (See "Structure").

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

"Exception" means a waiver from the provisions of this Resolution which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Resolution.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Structures" see "Existing Construction".

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of rivers or streams or tidal waters, 2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the FEMA of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, electrical systems and structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or "Flood-related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that has been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

"Manufactured Home Park or Subdivision" A manufactured home park is a planned unit development containing two or more Type "A" or "B" manufactured homes or mobile homes and shall have met all the requirements outlined in this Resolution. A manufactured home subdivision is a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale to be used solely for Type "A" Manufactured Homes.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Resolution, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced after the effective date of the first floodplain management Resolution and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of the first floodplain management Resolution and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see "Base Flood".

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Reasonable Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area" see "Area of Special Flood Hazard"

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"Structure", for purposes of this Resolution, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Resolution which permits construction in a manner otherwise prohibited by this Resolution where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Section 19.02. General Provisions

- A. Application
This Resolution shall apply to all areas within the unincorporated area of Rutherford County, Tennessee.
- B. Basis for Establishing the Areas of Special Flood Hazard
The Areas of Special Flood Hazard identified on the Rutherford County, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number 470165, dated January 5, 2007, January 17, 2007

and October 16, 2008 along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

- C. Requirement for Development Permit
A development permit shall be required in conformity with this Resolution prior to the commencement of any development activities.
- D. Compliance
No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Resolution and other applicable regulations.
- E. Abrogation and Greater Restrictions
This Resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Resolution conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restriction shall prevail.
- F. Interpretation
In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.
- G. Warning and Disclaimer of Liability
The degree flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Resolution does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create liability on the part of Rutherford County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.
- H. Penalties for Violation
Any person who violates this resolution or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than \$500, and in addition, shall pay costs and expenses involved in the case.

Section 19.03. Administration

- A. Designation of Resolution Administrator
The Director of the Rutherford County Building and Codes Department is hereby appointed as the Administrator to implement the provisions of this Resolution.
- B. Permit Procedures
Application for a certificate of zoning compliance (prior to issuance of a building permit) shall be made to the Rutherford County Regional Planning and Engineering Department on forms furnished by same prior to any development activities. The applicant shall submit the following with the certificate of zoning compliance: an accurate and legibly drawn site plan, in duplicate, at a scale of not less than one hundred feet to one inch (100'=1"), and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:
 - 1. Application Stage
 - a. A survey, certified by the registered land surveyor showing property boundary lines and dimensions, and the gross land area of the site.

- b. The elevation of the lot.
 - c. Location, size and arrangement of existing and proposed buildings.
 - d. Fill, storage of materials, and drainage facilities.
 - e. Elevations in relation to mean sea level of the lowest floor, including basement, of all structures when Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
 - f. Elevation in relation to mean sea level to which any non-residential structure has been flood-proofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
 - g. Design and the FEMA Floodproofing Certificate from a Tennessee-registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Section 19.03.
 - h. A description of the extent at which any water course will be altered or relocated as a result of the proposed development.
 - i. The Building Inspector may make other reasonable requirements for information when necessary.
2. Construction Stage
- Within approximate A zones, where base flood elevation data are not available, the County Engineer shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.
- For all new construction and substantial improvements, the permit holder shall provide to the County Engineer an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.
- Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a Tennessee professional engineer or Tennessee architect and certified by same.
- Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.
3. Additional Duties and Responsibilities of the Building Inspector
- In addition to other duties and responsibilities set forth in this Resolution the Building Inspector shall:
- a. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by

Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.U. 1334.

- b. Verify and record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor, including basement, of all new and substantially improved structures, in accordance with Section 19.03 B of this Resolution.
- c. Verify and record the actual elevation, in relation to mean sea level or the highest elevation, where applicable, to which new and substantially improved structures have been flood-proofed in accordance with Section 19.03 B of this Resolution.
- d. When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the County of Rutherford FIRM meet the requirements of this Resolution.

Within approximate A zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade. All applicable data including elevations or flood proofing certifications shall be recorded as set forth Section 19.03 B of this Resolution.

- e. When the Administrator has designated areas of special flood hazards (A and AE zones) by publication of a county's FHBM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the county shall:
 - 1. Notify in riverine situations, adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submit copies to such notifications to the Federal Emergency Management Agency.
 - 2. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- f. Notify, in writing, applicants for variance within F-H (Flood Hazard) Districts that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance and that such construction below the base flood level increases risks to life and property.
- g. Review of all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- h. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Section 19.03 B.
- i. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be

given a reasonable opportunity to appeal the interpretation as provided in this Resolution.

- j. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Resolution.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Resolution). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 19.03 B.

- k. All records pertaining to the provisions of this Resolution shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

Section 19.04. Provisions for Flood Hazard Reduction

A. General Standards

In all flood prone areas the following provisions are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with material and utility equipment resistant to flood damage.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
4. Any mobile/manufactured home proposed to be located in an area subject to flood, existing mobile/manufactured home parks included, shall be subject to the following specific requirements:
 - a. All mobile/manufactured homes shall be elevated and anchored to resist flotation, collapse, and lateral movement by methods of anchoring that may include, but are not limited to, providing over-the-top and frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
 - b. Over-the-top ties shall be provided at each of the four corners of the mobile/manufactured home, with two additional ties per side at intermediate locations on mobile/manufactured homes 50 feet or greater in length (a total of eight ties are required); and, one additional tie per side on mobile/manufactured homes less than 50 feet in length (a total of six ties are required).
 - c. Frame ties shall be provided at each of the four corners of the mobile/manufactured home, with five additional ties per side at intermediate locations on mobile/manufactured homes 50 feet or greater in length (a total of 14 ties are

- required), and four additional ties per side on mobile/manufactured homes less than 50 feet in length (a total of 12 ties are required).
- d. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - e. Any additions to the mobile/manufactured home shall be similarly anchored.
5. For new mobile/manufactured home parks, for expansions to existing mobile/manufactured home parks, and for existing mobile/manufactured home parks where the repair, reconstruction or improvements of the streets, utilities, and pads equals or exceeds 50% of their value before repair, reconstruction or improvement has commenced, the following regulations shall apply:
 - a. Pads shall be elevated on compacted fill or pilings so that the lowest floor of the mobile/manufactured home will be three (3) feet above the BFE (in AE zones) or HAG (in approximate A zones).
 - b. Adequate surface drainage and access for a hauler shall be provided.
 - c. In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for pilings more than six feet above ground level.
 - d. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 6. All new replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into system.
 7. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into systems and discharges from the systems into flood waters.
 8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 9. Permits shall be required for all proposed construction and other developments including the placement of mobile/manufactured homes.
 10. Review proposed development to assure that all necessary permits have been received from the government agencies for which approval is required by Federal and State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 11. All manufactured homes to be placed or substantially improved within Zones A and AE on Rutherford County's FIRM must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least three (3) feet above the base flood elevation or three (3) feet above the highest adjacent grade (in approximate A zones); and be securely anchored to an adequately anchored foundation system in accordance with the provisions of FEMA. (Amended April 12, 2001)
 12. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution; and,
 13. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced.

14. All new construction and substantial improvement proposals shall include copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.
15. All subdivision proposals and other proposed new development proposals shall meet the standards of this Resolution (*insert provision*).
16. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction; and
17. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than three (3) feet above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood

hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Mechanical and Utility Equipment.

Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
 - c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
 - d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - 3) The recreational vehicle must meet all the requirements for new construction.
6. Standards for Subdivisions and Other Proposed New Development Proposals
- Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.
- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
 - b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 - c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

7. (FW) Floodway Provisions

Located within the Special Flood Hazard Areas established in Section 19.02B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for Rutherford County, Tennessee and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 19.02 A and B.

a. General Requirements for (FW) Floodway District.

1. No structure (temporary or permanent), fill (including fill for roads and levies), culverts, bridges, storage equipment or materials, or other use shall be permitted unless it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. Any building or structure in existence prior to the effective date of these flood prevention requirements that is hereafter damaged less than 50% of its replacement value may be reconstructed and used as before only if the following requirements are met:
 - a) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.
 - b) The structure may be reconstructed only if the lowest floor (including basement) is at least equal to or above the base floor (100 year flood) elevation.
 - c) The level of the 100 year flood shall not be increased above that demonstrated in the Flood Insurance Study for Rutherford County by the reconstruction.
3. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Section 19.04 B of this Article.

8. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in Section 19.02 B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

- a. No encroachments, including fill material, new structures and substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
 - b. New construction and substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 19.04 B.
9. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in Section 19.02 B, where streams exist, but no base flood data has been provided (A Zones), AND where a Floodway has not been delineated, the following provisions shall apply:

- a. Require standards for Specific Standards in Section 19.04 B of this Resolution.
- b. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data in accordance with the standards set forth in Article XIX of the Resolution.
- c. The Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or any other source, in order to administer the provisions of this Resolution. When such data is utilized, provisions of Section 19.03 shall apply. The Floodplain Administrator shall:
 1. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,
 2. Obtain, if the structure has been floodproofed in accordance with the requirements of Section 19.04 B, the elevation in relation to the mean sea level to which the structure has been floodproofed, and
 3. Main a record of all such information.
- d. Notify, in riverine situations, adjacent communities, and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
- e. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- f. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- g. ONLY if base flood elevation and floodway data is not available from any sources, the following provisions shall apply:

1. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than (1) foot at any point within the County. The engineering certification should be supported by technical data that conforms to the standard hydraulic engineering principles.
2. New construction and substantial improvements shall have the lowest floor (including basement) elevated to no less than three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards in Article XIX of the Resolution.

10. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in Section 19.02 B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- a. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 19.04 B, and "Elevated Buildings".
- b. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Resolution and shall provide such certification to the Administrator as set forth above and as required in Section 19.03 B.
- c. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
- d. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

11. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Section 19.02 B, are areas of the 100-year floodplain protected by a flood protection system but where base flood

elevations have not been determined. Within these areas (A-99 Zones) all provisions of Section 19.03 and Section 19.04 A shall apply.

12. Standards for Unmapped Streams

Located within Rutherford County, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

- a. No encroachments including fill material or other development including structure shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee-registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than (1) foot at any point within the locality.
- b. When new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Section 19.03.

Section 19.05. Variance Procedures

The provisions of this section shall apply exclusively to areas of special flood hazard within the Rutherford County Planning Region. In the case of a request for a variance the following shall apply:

A. Board of Zoning Appeals

1. The Rutherford County Board of Zoning Appeals shall hear and decide all appeals and requests for variances from the requirements of this Article as set forth in Article VIII of this Zoning Resolution.
 2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Resolution to preserve the historic character and design of the structure.
 3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:
 - a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the use to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
1. Upon consideration of the factors listed above, and the purposes of this Resolution, the Board of Zoning Appeals may attach such conditions to the

granting of variances as it deems necessary to effectuate the purposes of this Resolution.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium as high as \$25 for \$100 coverage rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

The Rutherford County Planning Department shall maintain a record of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Section 19.06 Legal Status Provisions

A. Conflict with Other Resolutions

In case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Rutherford County, Tennessee, the most restrictive shall in all cases apply.

B. Severability

If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution which is not of itself invalid or unconstitutional.

C. Effective Date

This Resolution shall become effective immediately after its passage, the public welfare demanding it.

ARTICLE XX. SIGNS

Section 20.00. Purpose

Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the county without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, this section is enacted to establish regulations governing the display of signs that will:

- A. Promote and protect the public health, safety, comfort, morals and convenience;
- B. Promote aesthetics in the county;
- C. Protect the environment;
- D. Enhance the economy and the business and industry of the county by promoting the reasonable, orderly and effective display of signs, and thereby encourage increased communication with the public;
- E. Restrict signs and lights which overload the public's capacity to receive information or which increases the probability of traffic congestion and accidents by distracting attention or obstructing vision;
- F. Reduce conflict among signs and lights and between public and private information systems; and
- G. Promote signs that are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of identity of proprietors and other persons displaying signs.

Section 20.01. Sign Standards

- A. Computation of sign area height and power line setbacks
 - 1. In computing the area of all signs permitted under this Article, the same shall be computed as follows:
 - a. In the case of ground, marquee and off-premise signs, the entire surface area of the sign on which copy could be placed is the sign face area. The supporting structure or bracing of a sign shall not be counted as a part of the sign's face area. When two (2) signs of the same shape and dimensions are mounted or displayed back-to-back and parallel, only one (1) such face shall be included in computing the total display surface area of the sign. When two (2) signs of the same shape and dimensions are mounted or displayed in a V-shaped, not back-to-back and parallel and where the angle of the V does exceed twenty-five (25) degrees, each such face shall be included in computing the total display surface area of the signs.
 - b. For a sign (other than ground, marquee, or off-premise) whose message is fabricated together with the background that borders or frames that message, the sign face area shall be the total area of the entire background.
 - c. For a sign (other than ground, marquee, or off-premise) whose message is applied to a background that provides no border or frame, the sign face area shall be the area of the smallest rectangle that can encompass all words, letters, figures, emblems, and any other elements of the sign's message.
 - 2. Height and Clearance
 - a. The height of a ground sign shall be measured from the mean ground level to the highest point of the sign face area or its supporting structure, whichever is greater.
 - b. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall not be higher than the

maximum permitted building height. In the event that a multi-storied structure contains various tenants on each floor, the wall signs for each floor may not exceed the ceiling height for that specific floor level.

- c. The clearance of a projecting sign shall be measured from the base of the sign face to the ground below.
- d. Clearance from electrical power lines. The closest part of a sign shall not be any closer than eight (8) feet horizontally from a vertical line above and below the nearest primary conductor(s). The closest part of a sign shall not be any closer than eight (8) feet horizontally from a conductor not attached to the sign.
- e. As an exception to the foregoing, when the measurement is from the sign to an insulated distribution line, no portion of the sign may be within twenty (20) feet horizontally from a vertical line above and below the nearest distribution line.

B. SIGN LIGHTING

Permitted methods of illumination may be divided into several types as described below:

1. General. The sign has neither an internal light nor an external source that is intended to specifically light that sign. Rather, the sign depends on the general lighting of the area (e.g., parking lot, traffic, or pedestrian areas for illumination.)
2. Internal Message: The sign is made of metal, wood or other material that is not translucent, and the message is cut out of the material and replaced with a translucent material. The sign's light source is located inside the sign.
3. Internal Sign: The sign is made of translucent material with internal lights.
4. Back Lighting. The message is raised beyond both the sign's background and the over-lighting sources that illuminate the background.
5. Shielded Spot light: Spotlights specifically directed at the sign. The spotlights are fully shielded so that they are not visible from streets or adjoining property.

Section 20.02. General Requirements

- A. No person shall erect, alter, or relocate any sign within the unincorporated areas of the County without first obtaining a sign permit. The following are exceptions:
 1. Memorial signs and tablets displayed on public property or in cemeteries.
 2. Address numerals and signs bearing the same name of occupants of the premises not exceeding one (1) square foot in area.
 3. Legal notices.
 4. Traffic and parking signs that bear no advertising.
 5. Farm related signs not exceeding three square feet.
 6. Religious related on-site signs not exceeding thirty-two (32) square feet in size.
 7. Signs for home-based businesses not to exceed five (5) square feet in area with approval from the Board of Zoning Appeals (BZA). Such signs shall be attached to the principal or accessory structure where the business is located. Only one (1) sign per residential lot is permitted (Added November 13, 2008).
- B. The repainting, changing of parts and maintenance of signs located on the site shall not be deemed alternations requiring a sign permit.
- C. Except for time and/or temperature signs, no flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, or other decorations shall be permitted.
- D. No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance, or exit.

- E. No signs, including traffic signs and similar regulatory notices, except those of a duly constituted governing body, shall be located within road right-of-way lines.
- F. Any spotlights permitted to illuminate signs shall be shielded so that they cannot be seen from adjoining roads or property.
- G. No sign shall be posted on a utility pole, telephone pole, fence post, tree, rock or any other natural vegetative material. Exception to the above is the placement of No Trespassing signs on a fence.
- H. No sign shall be attached to a roof except those mounted to the roof and extending higher than the roofline and meeting all other sign regulations.
- I. Signs may be located within a required buffer yard along any right-of-way. No sign, however, shall be located along any side or rear lot line within a required buffer-yard.
- J. No sign shall be placed on or affixed to vehicles and/or trailers which are parked on a right-of-way, public property or private property so as to be visible from the public right-of-way where the apparent purpose is to advertise a message. However, this is not in any way intended to prohibit signs placed on or affixed to motorized vehicles where the sign is incidental to the primary use of the motorized vehicles or trailer. It shall be unlawful to use a vehicle or a trailer sign as a sign in circumvention of the article.
- K. No sign shall be placed in public rights-of-ways or drainage easements
- L. Strip or string lighting along scenic highways is not permitted.
- M. Owners consent. Any sign placed on, in or over any private property without the written consent of the property owner and any sign placed on, in or over any public property, including public right-of-ways without written consent of the public authority having jurisdiction over the property is prohibited.
- N. Subdivision Entrance identification signs is approved as a part of the subdivision development and shall not exceed fifty (50) square feet in total sign face.
- O. Signs which are not expressly permitted in this Article are prohibited. (added December 17, 2009)

Section 20.03. Permitted Signs

No signs shall be permitted for any use except as provided in this section and Section 20.04. Each use shall be permitted at least one sign. Uses not limited to one sign in Table I are permitted more than one sign as long as the total of all the sign face areas does not exceed the maximum permitted sign face area.

Table of Permitted Signs

Table I

| Use | Type of Sign | | | | |
|---------------|--------------|------|------------|---------|-------------|
| | Ground | Wall | Projecting | Graphic | Directional |
| Agricultural | | | | | |
| Farm | 1 | Y | OG | N | N |
| Residential | | | | | |
| Res. Dev. | 2/ent | N | N | N | B |
| Institutional | 1 | Y | OG | N | B |
| Commercial | 1 | Y | N | O | A |
| Industrial | | | | | |
| Indust. Pk | 1/ent | Y | N | O | B |
| All Other | 1 | Y | OG | N | N |

Y = this sign type is permitted.

1/ent = one sign per road entrance in permitted

1 = only one sign for the use is permitted

O = this sign type may be substituted for a wall sign subject to the standards set forth in Section 20.04

A = only off-premise sign are permitted on I-24

B = only on-premise sign are permitted.

N = not permitted

OG = may be substituted for a ground sign

Real Estate Signs are classified as Temporary Signs.

Section 20.04. Sign Performance Standards

This Section states that specifications for each of the sign performance standards according to sign type (five sign types are permitted by this Resolution) and according to land use. These standards shall be subject to additional requirements as specified in other sections of this division. For each Sign Type, the following standards are specified: the maximum total sign face area permitted, the maximum permitted height, the permitted lighting source, and any additional requirements or limitations.

Unless a maximum number of signs are given in Table I, there is no limitation on the number of signs of a permitted type as long as the total of all the sign face areas does not exceed the maximum permitted sign face area.

Ground Sign – Any Zone

(In Sq. Ft.)

Table II

Roadway Designation
Rutherford County Long Range Transportation Plan

| | Local (sq. ft.) | Collector (sq. ft.) | Arterial (sq. ft.) | Max. Ht. (ft./in.) |
|---------------|--------------------|------------------------|-----------------------|-----------------------|
| Agricultural | 24 | 24 | 24 | 6' |
| Res. Dev | 50 | 50 | 50 | 8' |
| Commercial | 24 | 36 | 50 | 12* |
| Institutional | 24 | 36 | 50 | 10' |
| Industrial | 24 | 36 | 50 | 15' |

***May be adjusted by Staff based on safe height clearances for vehicles accessing the property.**

| Off-Premise Signs | I-24 Interstate Highway | Max. Ht. |
|-----------------------|-------------------------------|----------|
| Commercial/Industrial | 775 | 35 |

- A. Any sign of more than 50 square feet in surface area shall be set back at least 15 feet from the right-of-way
- B. Illumination of Institutional signs located within a residential district are prohibited.

Wall, Graphic Or Façade Sign – Any Zone
(In Sq. Ft.)
Table III

| | Building Width in Feet | | | | |
|---------------|------------------------|----------|----------|-----------|------|
| | 20 | 20 to 40 | 40 to 80 | 80 to 150 | 150+ |
| Agricultural | 24 | 24 | 24 | 24 | 24 |
| Commercial | 24 | 36 | 50 | 50 | 50 |
| Institutional | 24 | 36 | 50 | 50 | 50 |
| Industrial | 24 | 36 | 50 | 50 | 50 |

- A. Add 25% to allowed wall sign size if no ground sign is used.
- B. Corner buildings will be allowed only one wall on which to compute the total amount of wall signage. No wall sign shall exceed size allowed for the wall on which the sign is to be placed.
- C. Maximum permitted graphic sign face area (in sq. ft.) shall be 20 percent larger than would be the wall sign for which the graphic sign is being substituted. This option may be used only where the entire shopping center, office park, or industrial park is restricted to this type of sign, i.e.; individual store or building use shall be required. Either a wall sign or graphic sign may be used.
- D. Permitted lighting. Shielded spotlight and internal message are permitted in all districts except residential districts. Internal sign and back lighting are permitted.

Projecting Signs
Maximum Permitted Sign Face Area
(In Sq. Ft.)
Table IV

Roadway Designation
Rutherford County Long Range Transportation Plan

| | Local | Collector | Arterial | Max. Ht. |
|---------------|-------|-----------|----------|-------------------------------|
| Agricultural | 24 | 24 | 24 | Not To Exceed Roof-Line |
| Commercial | 24 | 36 | 50 | |
| Institutional | 24 | 36 | 50 | |
| Industrial | 24 | 36 | 50 | |

- A. Minimum clearance to bottom – 10 feet.
- B. Maximum height not to exceed roofline.

- C. The projecting sign option allowed instead of ground sign.
- D. Sign may not project into street right-of-way.
- E. Directional Signs - On-premise directional signs shall be not more than eight square feet in sign face area and shall not exceed three feet in height. The maximum sign face area for off-site directional signs shall be governed by Section 20.05, Section B.

Section 20.05. Detailed Sign Regulations By Sign Type

A. Development Signs

- 1. Residential development identification signs shall only provide the name of the subdivision.
- 2. A commercial development sign shall contain only the name of the development or individual store names, logos, wording, or similar features.
- 3. All residential or commercial development signs must be located on-premise. The use of off-premise development signs is not permitted.

B. Off-Premise Signs

- 1. Purpose. Off-premise signs shall be permitted as a conditional use under the requirements of this subsection. The purpose of these signs is to facilitate the reasonable advertising of vehicle service, food, lodging, and other establishments not conducted on the premises where the sign is located.
- 2. Restrictions on Off-premise advertising
 - a. Zoning - Off-premise advertising must be located in areas zoned for commercial or industrial use contiguous with I-24 and SR 840 where the Rutherford County Board of Commissioners has granted a Conditional Use. The criteria for determining which locations are appropriate shall include:
 - 1. The degree to which a particular location would facilitate the legible display of information to the interstate.
 - 2. The degree to which a particular location would give good advanced notice of the subject interchange or intersection.
 - 3. The degree to which a particular location would minimize impacts on surrounding properties.
 - 4. Off-site signs shall be permitted only along the frontage of I-24 and SR 840
 - 5. Off-site signs shall not be located within 200 feet of any residential zoning district boundary.
 - 6. Only one off-site sign shall be allowed per lot, and there shall be no more than two sign facings for each sign location.
- 3. The following types of advertising signs are not restricted by the zoning criteria:
 - a. Directional and other official signs and notices including, but not limited to, natural wonders, scenic, and historic attractions, which are authorized or required by law.
 - b. Signs, display, and devices advertising the sale or lease of property on which they are located.
 - c. Signs, displays and devices advertising activities conducted on the property on which they are located.
- 4. Size, Height, Setback
 - a. An off-premise sign may contain one device per horizontal facing and may be stacked, back-to-back or V-type, but the total area of any facing shall not exceed 775 sq. feet.

- b. The area shall be measured by the smallest square, rectangle, circle, or combination thereof which will encompass the entire sign.
 - c. Signs, displays and devices advertising the sale or lease of property on which they are located.
 - d. Signs, displays, and devices advertising activities conducted on the property on which they are located.
 - e. Maximum allowable height shall be 35 feet (top of sign) at the required setback line.
 - f. Setbacks – 15' minimum from street or interstate R.O.W. and 200' maximum from interstate R.O.W. 10' minimum from side or rear property line.
5. Lighting:
- a. Off-premise advertising which contain, include, have attached or are illuminated by any flashing, intermittent or moving light, or lights which involve moving parts including message boards are prohibited.
 - b. Off-premise advertising which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way and are of such intensity or brilliance as to cause glare to impair vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle, are prohibited.
 - c. No outdoor advertising shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
6. Spacing:
- a. Off-premise signs must be located one thousand (1000') from an interchange or intersection at grade, measured along the highway on the primary system from the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main traveled way.
 - b. Off-premise signs shall be located at least one thousand (1000') feet from the closest off-site sign on the same side of the roadway.
 - c. The following types of signs shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements:
 - 1. Directional and other official signs and notices.
 - 2. Signs, displays, and devices advertising the sale or lease of the property on which they are located.
 - 3. Signs, displays, and devices advertising activities conducted on the property on which they are located (on-premise).
7. The minimum distance between off-premise advertising signs shall be measured along the nearest edge of pavement to the advertising device between points directly opposite the signs along each side of the highway.

Section 20.06. Temporary Signs

Temporary signs must conform to all regulations of this Section. Sign permits for temporary signs are required for portable signs only.

A. All temporary development signs shall be ground signs.

- 1. One (1) real estate sign per street frontage shall be allowed for new developments consisting of more than two (2) lots or more than two- (2) occupiable buildings. Square footage shall be determined by one (1) square foot per unit approved, per side, within the maximum limits.

2. All developments of twenty-five (25) units or less shall be allowed a thirty-six (36) square foot sign.
 3. Signs shall be located a minimum of twelve (12) feet from the street right-of-way.
 4. After the sale of ninety-five (95) percent of all the occupiable square footage in the development to the end user the sign shall be removed. Maximum square footage allowed is fifty-(50) sq. ft.
- B. Political Signs. Temporary signs containing noncommercial reference to political parties or candidates for election may be erected or displayed and maintained given the following conditions:
1. The size of any such sign is not to exceed of thirty-two (32) square feet.
 2. The signs shall not be erected more than sixty (60) days prior to the election day and including early voting, and shall be removed not later than seven (7) days after the election.
 3. No political sign shall be placed on county property, state property or any portion of platted or dedicated streets or alleys, public utility poles, vegetative material or traffic-control sign standards.
 4. This section shall not be deemed to grant the right to install political signs where such signs are prohibited by subdivision restrictions or prohibitions imposed by deed, contract, or state statute.
- C. Portable signs shall require a temporary sign permit.
1. The permit shall be valid for fourteen (14) days with a maximum of one (1) per lot on-site only. Permits for portable signs shall not be issued for consecutive time periods. The approval time period shall be specified on the permit. No establishment or individual shall be permitted to obtain a temporary sign permit for a portable sign more than four (4) times in one (1) year.
 2. Portable signs shall be prohibited along designated Scenic Highways or Scenic Parkways.
 3. Portable signs shall not exceed thirty-two (32) square feet of area and shall be anchored to the ground at four (4) points by means of one-half (½) inch diameter spike or bolt driven eighteen (18) inches into the ground.
 4. Portable signs shall follow all of the standards otherwise required for signs by this Section, Building Codes and Electrical Codes. Flasher must be removed or bypassed prior to electrical connections. The use of an extension cord is prohibited.
- D. Real estate signs do not require a permit. Only one (1) real estate sign may be located adjacent to each separate street frontage of a lot and one "open house" sign when appropriate, provided that the sign is:
1. Located entirely within the property to which the sign applies; and
 2. not directly illuminated; and
 3. removed within seven (7) days after a deed has been recorded for the sale, or a lease signed for the rental, or lease of the property; and
 4. no larger than six (6) square feet in surface area per side and a maximum of three (3) feet high for properties of less than five (5) acres;
 5. and not larger than twenty-four (24) square feet and twelve (12) feet high for properties five (5) acres or greater.
 6. Parcels of over ten (10) acres with more than 450 feet of road frontage may have a sign a maximum of thirty-two (32) square feet in area per side and a maximum height of twelve (12) feet.
 7. Special request for signs larger than allowed in these standards may be appealed to the Board of Zoning Appeals if topographic or other similar consideration should make such allowance desirable.

E. Directional Real Estate Signs

Temporary Directional Real Estate Signs will be permitted under the following criteria:

1. Temporary directional "REALTY FOR SALE" signs shall not exceed two (2) sq. ft. in size and will be posted no higher than three (3) feet from ground level. These signs will be allowed at as many intersections as needed that meet the spacing requirements. "Open House" riders will be allowed on the "Realty For Sale" sign only on the weekend. This will have a phase in period of six (6) months from the date of approval by the Rutherford County Board of Commissioners. This phase in period will expire on September 16, 2000. (Amended March 16, 2000)
2. In order to avoid the placement of a series of signs along several miles of roadway, no more than 5 signs shall be allowed per project (or per property when a single dwelling is for sale or rent). Signs shall be placed no farther than 2 road miles from the project or property for which directions are given.
3. Up to 3 directional signs are allowed at intersections. However, each user is allowed only 1 sign per intersection. Therefore, each of the signs must identify different users. If the number of signs at an intersection exceeds 3, all directional signs may be removed by a Zoning Enforcement Officer.
4. To encourage assistance in compliance with these requirements, the Zoning Enforcement Officers may notify the Board of Realtors or the Homebuilders Association regarding violations of these provisions. Signs in violation of these requirements may be removed.

F. Auction Signs and Community Special Events

The maximum sign size will be 32 sq. ft. The sign shall be posted no more than 15 days prior to the event and will be removed by the day following the event. There will be a limit of five directional signs allowed per event. These signs shall be no higher than 5-ft. from the ground level at any point. There may be an unlimited number of 2 sq. ft. directional signs allowed 15 days prior to the event and posted no higher than 3 ft. from ground level.

G. Temporary directional signs for seasonal agricultural uses will be permitted under the following criteria:

1. Each use will be allowed to post as many as five signs.
2. Each sign will not exceed 2-sq. ft. in size.
3. No sign shall be posted higher than 3 ft. from ground level.
4. No use will be allowed to post signs longer than 45 days.

H. Other Temporary Signs (Contractor, Yard Sale, etc.)

1. Number – 3 per lot maximum on site
2. Size
 - a. C and I zones – 32 sq. ft. maximum per site
 - b. R – 5 sq. ft. maximum per site
3. Height
 - a. C and I zones – 12' maximum
 - b. R zones – 3' maximum
4. Setback – 1' R.O.W.
5. Timing – Until 10 days following conclusion of temporary purpose
6. Permit fee – None
7. Zone – All

Section 20.07. Sign Permit Required

Unless specifically exempted by Section 20.03, no sign shall be erected, altered, or relocated after the effective date of this resolution until a sign permit has been secured.

Permits for temporary signs shall expire fourteen (14) days from the date of issuance of such permit unless otherwise provided.

Section 20.08. Application Requirements For A Sign Permit

All applicants for sign permits shall be made in writing on a form supplied by Rutherford County and shall contain or have attached thereto the following information:

- A. Name, addresses, and telephones number of applicant.
- B. Site plan indicating the location of the building, structure, or lot to which or upon which the sign is to be attached or erected. All setbacks shall be accurately noted.
- C. Two blueprints or ink drawings of the plans, specifications, and method of construction and attachment (i.e., either to a building or in the ground) of all proposed signs. Exception: Ground signs not over 15-sq. ft. or less in area.
- D. A copy of the zoning certificate issued to the use(s) to which the sign is related, together with a complete copy of the application required for that zoning certificate. If the use for which a permit is sought was existing at the effective day of this resolution, then the Planning staff shall specify the information required to show full compliance with the sign regulations of this resolution.
- E. Appropriate State permits or a letter shall accompany permits for off-site signs from the Department of Transportation stating that a State permit is not required.

Section 20.09. Procedure For A Sign Permit

Applications for sign permits shall be reviewed for compliance with the resolution by the Planning staff. After acceptance of the application, the Planning staff shall inform the applicant whether a sign permit has been approved and the actual permit from Codes Administration shall be issued in a timely manner.

The Codes Administration Department shall require all ground signs to have a location inspection prior to the footing inspection to assure location and setback compliance.

Section 20.10. Control Of Non-Conforming And Grandfathered Non-Conforming Advertising

Purpose: For the purpose of promoting aesthetics, protecting the environment, and regulating excess signage, encouraging the positive economic development of the county, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing overcrowding of land, promoting a positive community appearance as part of a concerted countywide effort to protect and enhance aesthetics of the county for the enjoyment of all citizens, the nonconforming signs are herein regulated.

These regulations are designed to prevent a public nuisance through the over-concentration, improper placement and excessive height, bulk, enlargement, number and area of signs. It is intended that outdoor advertising signs be located away from residential areas, and that such signs be regulated to protect the character of the area wherein signs are located, and to conserve property values in these areas.

- A. Those outdoor advertising devices legally in existence on November 18, 1999 shall be entitled to remain in place and in use subject to restrictions set forth herein.
- B. Extension or expansion. A nonconforming sign shall not be enlarged, expanded, extended or structurally altered so as to create an additional nonconformity or to increase the extent of the existing nonconformity when the change is declared a nuisance by this article. This section shall not be construed to prohibit the changing of the message panel, provided there is not increase in the face area or height or change in the face panel enclosing members. Nothing herein allows a nonconforming sign to be placed nearer to a right-of-way property line or power line than permitted by the article.
- C. Replacement or relocation. No nonconforming sign shall be removed and replaced or reconstructed on a different lot of record unless the replacement or reconstructed sign

conforms to all applicable provision of this chapter. Any sign in violation of the National Electric Code or located in whole or part on the public right-of-way is an unlawful nonconforming sign and shall not be replaced or altered unless it conforms with all provisions of this article.

- D. Area and height. No nonconforming sign shall be removed and replaced or reconstructed on the same lot of record unless it conforms to the height and signable area limitations set forth below. A nonconforming sign that is removed and replaced or reconstructed on the same lot of record is declared to be a public nuisance if the sign area or height exceeds the following in the zones and roadways indicated:

1. Arterial – On-Site
 - a. Agricultural
Nuisance if: >27 sq. ft.
7' in height
 - b. Residential Development
Nuisance if: >57 sq. ft.
9' in height
 - c. Commercial
Nuisance if: >57 sq. ft.
14' in height
 - d. Institutional
Nuisance if: >57 sq. ft.
12' in height
 - e. Industrial
Nuisance if: >57 sq. ft.
17' in height
2. Collector – On Site
 - a. Agricultural
Nuisance if: >27 sq. ft.
7' in height
 - b. Residential Development
Nuisance if: >57 sq. ft.
9' in height
 - c. Commercial
Nuisance if: >41 sq. ft.
14' in height
 - d. Institutional
Nuisance if: >41 sq. ft.
12' in height
 - e. Industrial
Nuisance if: > 41 sq. ft.
17' in height
3. Collector – On Site
 - a. Agricultural
Nuisance if: >27 sq. ft.

- 7' in height
 - b. Residential Development
Nuisance if: >57 sq. ft.
9' in height
 - c. Commercial
Nuisance if: >27 sq. ft.
14' in height
 - d. Institutional
Nuisance if: >27 sq. ft.
12' in height
 - e. Industrial
Nuisance if: > 27 sq. ft.
17' in height
 - f. Interstate Highway (I-24) – Commercial or industrial zones
Off-Site Nuisance if: > 891 sq. ft.
40' in height
- E. Due processes hearing. Notwithstanding the foregoing, any owner of a nonconforming sign who believes that the foregoing limitations in paragraph (D) unduly restrict his ability to replace or reconstruct a nonconforming sign and that his sign is not a nuisance shall be entitled to a public hearing before the Board of Zoning Appeals. Notice of the public hearing will be published in the newspaper at least ten (10) days prior to the meeting of the Board of Zoning Appeals. All interested persons shall be entitled to be heard at the public hearing on whether or not a nuisance in fact exists from the proposed expansion or replacement of a nonconforming sign.
- F. A non-conforming sign will be allowed to be rebuilt in the case of natural disaster. Non-conforming signs destroyed or damaged during a natural disaster may be rebuilt to their original height and size using like materials. For the purpose of this Rule, a natural disaster is a destructive act of nature causing great damage or loss. The local authorities or weather service must verify weather conditions resulting in the destruction or damage of outdoor advertising signs. Permit holders must inform the Building Codes Department, in writing, concerning the destruction of such signs as soon as possible. Restoration of a destroyed or damaged outdoor advertising sign must be completed within 6 months following the disaster or the outdoor advertising sign site will be considered abandoned.

Section 20.11. Removal Of Illegal And Abandoned Signs

Abandonment of any sign shall terminate the right to maintain such sign and the owner thereof shall be required to remove the sign. Any nonconforming sign shall be considered abandoned in the following situations, regardless of any reservation of any intent not to abandon or of an intent to reserve the right to use the sign. Abandoned signs will be considered illegal and subject to removal at the expense of the owner after a 6 month period of abandonment has expired and due notice has been given.

- A. An abandoned on-site or off-site permanent sign is a sign displaying no advertising message for a period of one (1) year or more if the permanent sign is located with two hundred (200) feet of an interstate highway or one hundred twenty (120) days otherwise. Copy of the sign indicating the sign is for lease or sale shall not be construed as the display of any advertising message for the purpose of this section.

- B. Signs which advertise a terminated activity, business, product or service which has not been produced, conducted, sold or performed on the premises where the sign is located for a period of one (1) year or more if the permanent sign is located within two hundred (200) feet of any interstate highway or one hundred twenty (120) days otherwise.

Section 20.12. Removal Of Certain Signs

- A. Permit Requirements. Demolition of any permanent sign or sign structures requires a permit and fee except no fee shall be required if such demolition is being made in order to remove a legal nonconforming permanent sign.
- B. Notice to remove illegal nonconforming signs. If the chief building official shall find that any sign does not conform to the provisions of the article, except for legal nonconforming signs, he shall give written notice to the owner(s), agent or persons(s) having the beneficial interest in the building or the premises on which such permanent sign is located. Removal of the permanent sign shall be effected within ninety (90) days after receipt of the notice from the chief building official.
- C. The Department of Codes Administration may cause the removal of unauthorized advertising signs from the public right-of-way. Such signs may be impounded as evidence. A penalty fee of fifty dollars (\$50.00) shall be charged for sign to be returned to the owner.
- D. Unclaimed signs shall be declared abandoned property and disposed of unless claimed by the owner, and fines paid within ten (10) days. Such signs shall be deemed a nuisance and subject to removal without notice.
- E. Notice to remove abandoned signs. If the chief building official shall find that any such permanent sign has not been removed within one (1) year if the permanent sign is located within two hundred (200) feet of an interstate highway or one hundred twenty (120) days otherwise of cessation of a particular use, he shall give written notice to the owner(s), agent(s) or persons(s) having the beneficial interest in the in the building or the premises on which such sign is located. Removal of the sign shall be effected within ten (10) days after receipt of the notice from the chief building official, and is hereby authorized to remove the sign at the expense of the owner(s), agent(s), or person(s) having the beneficial interest in the building or premises on which such sign is located. For the purpose of this paragraph, "removal" shall mean total removal of the sign structure if the sign is nonconforming and only removal of the sign face if the sign is otherwise conforming.
- F. Notice to remove unsafe signs. If the chief building official shall find that any sign is unsafe or insecure, or is a menace to the public, he shall be given written notice to the owner, agent, or person having beneficial interest in the building or premises on which such sign is located.
- G. Disposal of Signs. Any sign removed by the Department of Codes Administration pursuant with the provisions of this Resolution shall become the property of the County and may be disposed of in any manner deemed appropriate by the County. Cost of removal of the sign by the County shall be considered a debt owed to the County by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the County or by assessment against the property as hereafter provided. The cost of abatement or removal shall include any and all incidental expenses incurred by the County in connection with the sign abatement or removal.
 - 1. For the purpose of the subsection, the word "remove" shall mean:
 - a. The sign face, along with posts, columns or supports of ground signs, shall be taken down and removed from the property.

- b. The sign face and supporting structures of “projecting”, “roof” or “attached” signs shall be taken down and removed from the property.
- c. The sign face of “painted graphic signs” shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

ARTICLE XXI. NONCONFORMITIES

Section 21.00. Purpose

The purpose of this Article is to establish regulations and limitations on the continued existence of uses, structures, and signs established prior to the effective date of this resolution which do not conform to the provisions of this Resolution. Many such nonconformities may continue, but the provisions of this Article are designed to curtail substantial investment in such nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the zoning districts and the regulations established by this Resolution.

Section 21.01. Nonconforming Uses of Land and Structures

A. Authority to Continue.

Any lawfully existing nonconforming use of part or all of a structure, or any lawfully existing nonconforming use of land not involving a structure or involving a structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the provisions of Section 21.01. B through C of this Article.

B. Ordinary Repair Maintenance.

Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this subsection shall not be deemed to authorize any violation of Section 21.01 C through G of this Article.

C. Extensions.

A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activity shall include, without being limited to:

1. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this Resolution or any amendment hereto which causes such use to become nonconforming.
2. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Resolution or any amendment hereto which causes such use to become nonconforming.
3. Operation of such nonconforming use in such a manner as to conflict with, or to further conflict with, if already on the effective date of this Resolution, or in the amendments hereto, any use limitation established for the district in which such use is located.

D. Relocation.

No structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the zoning district in which such structure and use are located after being so relocated. No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such use of land is located after being so relocated.

E. Change in Use.

A nonconforming use of land or of a structure shall not be changed to anything other than a use permitted in the zoning district in which such land or structure is located. When such

nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For purposes of this section (21.01.E.), a use shall have been terminated and the permitted use shall have commenced and continued for a period of 30 days.

F. Abandonment of Discontinuance.

When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period of 365 consecutive days (regardless of any reservation of an intent not to abandon and to resume such use), such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.

G. Damage and Destruction.

In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 75% of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which such structure and use are located. When such damage or destruction is 75% or less of the fair market value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within twelve months of the date of such damage or destruction.

Section 21.02. Nonconforming Structures

A. Authority to Continue.

Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which such structure is located may be continued so long as it remains otherwise lawful, subject to the provisions of Section 21.02. B through D, of this Article.

B. Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of existing nonconformity or all or any part of such structure.

C. Damage or Destruction.

In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 75% of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located unless restoration or reconstruction is authorized under the provisions of Article IX of this Resolution. When such nonconforming structure is damaged or destroyed, by any means, by 75% or less of the fair market value of such structure, immediately prior to such damage, such structure may be repaired or reconstructed provided that such repairs or restorations begin and are diligently pursued to completion within one year of the date of such damage.

D. Relocation.

No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which such structure is located after being relocated.

Section 21.03. Nonconforming Lots of Record

A. Authority to Utilize For Single-Family Residence.

In any district in which single-family detached dwellings are a permitted use, notwithstanding the regulations imposed by any other Provisions of this Resolution, a single-family detached

dwelling which complies with the restrictions of Section 21.03.B, of this Article may be erected on a nonconforming lot that is not less than 25 feet in width, and which:

1. Has less than the prescribed minimum lot area, width and depth, or any of them; and
2. Is shown by a recorded plat or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, depth and width at such location would not have been prohibited by any zoning or other regulations; and
3. Has remained in separate and individual ownership from adjoining tracts of land continuously since May 14, 1984.

B. Regulations for Single-Family Use of Nonconforming Lots.

A nonconforming lot authorized to be used pursuant to Section 21.03. A of this Article may be used for single-family dwellings and permitted accessory uses thereto and no other structures. Construction of such single-family dwellings shall comply with all the regulations (except lot area, width and depth) applicable single-family dwellings in the zoning district in which such lot is located, except that the following side yard requirements otherwise applicable:

1. The dwellings shall be placed on the lots as to provide a yard on each side of the dwelling.
2. The sum of the widths of the two side yards on such lots shall not be less than the smaller of:
 - a. 25% of the width of the lot; or
 - b. The minimum total of both side yards prescribed by the bulk regulations of said district; and
3. No side yard shall be less than three feet.

Section 21.04. Nonconforming Signs

The nonconforming use of land for advertising signs and business signs in residential districts existing at the period of enactment of this Resolution may be continued for a period of not more than three years, thereafter, and advertising signs and billboards which become nonconforming by reason of a subsequent change in this Resolution shall also be discontinued within three years from the date of the change.

Section 21.05. Exception for Repairs Pursuant to Public Order

Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a building, structure or sign in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this Article prohibiting the repair and restoration of partially damaged or destroyed buildings, structures, or signs.

Section 21.06. Nonconforming Accessory Uses and Structures

No use, structure or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless such accessory use, structure, or sign shall thereafter conform to all the regulations of the zoning district in which it is located.

ARTICLE XXII. VIOLATIONS, PENALTIES, AND ENFORCEMENT

Section 22.00. Violations and Penalty

Any person, firm, or corporation violating any of the provisions of this Resolution shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$50.00. Each day's continuance of a violation shall be considered a separate offense. In addition to the party violating this Resolution, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

Section 22.01. Enforcing Officer

There is hereby created the Office of Building Commissioner of Rutherford County, Tennessee. The provisions of this Resolution shall be administered and enforced by said Building Commissioner appointed by the Rutherford County Board of Commissioners, who shall have the power to make inspections of buildings and premises necessary to carry out his duties in the enforcement of this Resolution.

Section 22.02. Building Permits

It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings or to commence the moving or alteration of any building, including accessory buildings, until the Building Commissioner has issued a building permit for such work. Permits shall be required for all proposed construction and other developments including the placement of mobile homes.

In applying to the Building Commissioner for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Commissioner for determining whether the provisions of this Resolution are being observed. If the purposed excavation or construction as set forth in the application are in conformity with the provisions of this Resolution, and other resolutions of the County of Rutherford, then in force, the Building Commissioner shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Commissioner shall state such refusal in writing, with the cause.

The issuance of a permit shall in no case be construed as waiving any provisions of this Resolution.

A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

A complete record of such application, sketches, and plans shall be maintained in the office of the Building Commissioner.

Section 22.03. Agricultural Use of Land

This Resolution shall not be construed as authorizing the requirement of building permits nor providing for any regulations of the erection, construction, or reconstruction of any building or other structure on lands now devoted to agricultural uses or which may hereafter be used for agricultural purposes, except on agricultural lands adjacent or in proximity to state/federal aid highways, public airports or public parks, provided, however, such building or structure is incidental to the agricultural enterprise. Nor shall this chapter be construed as incidental to the agricultural enterprise. Nor shall this chapter be construed as limiting or affecting in any way or controlling the agricultural uses of land.

ARTICLE XXIII. MOBILE/MANUFACTURED HOME PARK

Section 23.00. Purpose

This article of the Rutherford County Zoning Resolution enforces minimum standards for mobile home parks, establishing requirements for the design, construction, alteration, extension, and maintenance of mobile home parks and related utilities and facilities: authorizing the issuance of permits for construction, alteration and extension of mobile home parks; authorizing the inspection of mobile home parks; and fixing penalties for violations.

Section 23.01. Jurisdiction

The regulations established within this Resolution shall govern all mobile home parks within the unincorporated areas of Rutherford County. Any owner of land within this area wishing to develop a mobile home park shall submit to the procedures outlined in this Resolution and shall make those improvements necessary to comply with the minimum standards of this Resolution.

Section 23.02. Permits, Fees, Inspection Services

The following requirements for permits shall apply to any mobile home park within the unincorporated areas of Rutherford County. The purpose of these permits being to provide contents to assure compliance with this Resolution and other existing resolutions, the public welfare demanding such. Mobile Home Park proposals will be reviewed in accordance with the procedures outlined in Article V, Rutherford County Zoning Resolution, and developed in accordance with standards set forth herein.

- A. No place or site within Rutherford County shall be established by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the Building Inspector in the name of such person or persons for the specific mobile home park.
- B. Every person holding a mobile home park permit shall give notice in writing to the Building Inspector within 24 hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding the ownership or control of such mobile home park for the purpose of transferring the permit.
- C. No mobile home park in Rutherford County shall operate without the appropriate County business permits and licenses.
- D. It shall be unlawful to construct any building including accessory buildings, to move or alter any building, or locate a mobile home on any lot or space until the Building Inspector has issued a building permit for such.
- E. Any permit issued "shall become" void six months from the date of issuance unless substantial efforts have been made by that date to exercise that power permissible by the permit.
- F. Any use, arrangement, or construction at variance with those originally authorized plans submitted as a basis for any permit shall be deemed a violation of this Resolution and void the permit.
- G. In accordance with Tennessee State Law, a permit for the installation of the mandatory mobile home anchoring system is required and obtainable from the appropriate state inspector.

- H. No mobile home shall be used, placed, stored or serviced by utilities within Rutherford County or within any mobile home park in Rutherford County unless there is posted near the door of said mobile home a valid Tennessee State License.
- I. The Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this Resolution.

Section 23.03. Fees

In order to assure a more cost effective system for the provisions of inspection services for Rutherford County, permit fees are hereby established as follows:

- A. Mobile Home Park Permit Fee.
Mobile Home Park permit fee shall be required for all mobile home parks within the County, collectible by the Building Inspector. This fee for the Mobile Home Park permit shall be \$20.00 per unit.
- B. Business Permit (License) Fees.
County fees are required for business permits and licenses and shall be obtained prior to the construction of any mobile home park within the County.
- C. Electrical Inspection Fee.
An electrical inspection fee is required and shall be levied in accordance to Tennessee statutes for inspection services recommended.
- D. Anchoring Fee.
The state anchoring system inspection fee as required by Tennessee statutes shall be levied in accordance with said statutes.
- E. Tennessee License Fee.
A state license fee for mobile homes is required by Tennessee statutes and shall be levied in accordance with said statutes.

Section 23.04. Inspection Services

The County Building Inspector, County Health Officer, and all other authorized inspectors are hereby authorized and directed to make inspections within the County for the purposes of safeguarding the health and safety of the occupants of mobile home parks and of the general public. These representatives on behalf of Rutherford County shall have the authority to enter at reasonable times upon any private or public property for the purpose of inspection and investigations related to the performance of their duties concerning the enforcement of this Resolution and other regulations. Specifically, their inspections shall include but not be limited to the following:

- A. Building Inspector.
Upon inspection of a mobile home park or a mobile home by the Building Inspector, the following actions shall be undertaken for compliance with this resolution:
 - 1. Article IV of this Appendix concerning the minimum standards acceptable for the development and operation of a designated mobile home park.
 - 2. Appendix "H" of the Southern Standard Building Code outlining mobile home standards.
 - 3. A review shall be conducted of all necessary permits for not only the park but also individual mobile homes with all violations being reported by the Building Inspector to the appropriate authority.

4. A visual review of the general health and safety conditions with any possible violations noted being reported by the Building Inspector to the appropriate authority.
- B. County Health Officer.
The appropriate Department and Division of the State of Tennessee shall inspect the water system, sewage disposal system, and solid waste disposal facilities in accordance with the appropriate sections of the Tennessee Code Annotated and other state regulations.
- C. Electrical Inspector.
The Electrical Inspector shall make inspections in accordance with those powers designated by the appropriate state regulations.
- D. Anchorage Inspector.
The Anchorage Inspector shall make inspections of the mobile home anchorage and tie down facilities in accordance with Section 53-6205 of the Tennessee Code Annotated and the State Fire Marshall's Office.
- E. The officials noted in the above subsections in the performance of their duties shall have the authority to inspect that register containing a record of all residents of a Mobile Home Park.
- F. It shall be the duty of the owners or occupants of mobile home parks and mobile homes or of the persons in charge thereof to give the designated inspectors free access to such premises at reasonable time for the purpose of inspection.
- G. It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park or its premises at reasonable times for the purposes of making alterations as are necessary to comply with this or other local regulations.
- H. Upon inspection of any mobile home park in which conditions or practices exist in violation of this Resolution or other related regulations, the Building Inspector shall give notice in writing to the person to whom the permit was issued that unless such conditions or practices are corrected within a reasonable period of time specified by the Building Inspector, the permit shall be revoked at the end of the designated time period if inspection discloses that the deficiencies have not been corrected. The mobile home park permit shall be revoked and the operation of the mobile home park shall cease operation.

Section 23.05. Mobile/Manufactured Home Parks

- A. The developer shall consult early and informally with the Planning Department for advice and assistance before the preparation of the site plan and the formal application in order to become familiar with all regulations and area plans.
- B. Applications for a mobile home park shall be filed with the Planning Department for review and recommendation. Plans for the proposed mobile home park shall be filed with the Planning Department at least seventeen (17) days prior to the meeting at which it is to be considered. The plan shall contain the following information and conform to the following requirements:
 1. The plan shall be clearly and legibly drawn to a scale of not smaller than 100'=1".
 2. Name and address of owner of record.
 3. Proposed name of park and the total acreage involved.
 4. Existing zoning certification.

5. North point and graphic scale and date.
 6. Vicinity map showing location and acreage of mobile home park.
 7. Exact boundary lines of the tract by bearing and distance.
 8. Names of owners of record of adjoining land within 500 feet.
 9. Existing streets, utilities, easements, and water courses on and adjacent to the tract.
 10. Contour lines at two foot intervals or as required by the county engineer.
 11. Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces.
 12. Provisions for water supply, sewerage, and drainage.
 13. Such information as may be required by the County to enable it to determine if the proposed park will comply with legal requirements.
 14. The application and all accompanying plans and specifications shall be filed with the Planning Department (8 copies).
 15. Certification that the applicant is the land owner.
 16. Certification by the County Health Officer concerning the acceptability of the sewage disposal and water system.
 17. Certification of approval by the county engineer.
 18. Certification of approval to be signed by the secretary of the planning commission.
- C. Within 60 days after submission of the site plan, the Board will review and grant preliminary approval or disapproval, or approval subject to modification. If disapproved, reason for such shall be stated in writing.
- D. After preliminary approval of the complete proposal, the Board shall schedule a final review at public hearing. Public notice of the hearing shall be published in a newspaper of general circulation in the county at least ten days in advance of the hearing.

Section 23.06. Development Site

- A. The development site shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noise, or the probability of flooding or erosion. The soil, ground level, drainage, and topography shall not create hazards to the property or to the health and safety of occupants.
- B. The development site for a mobile home park shall comprise an area of not less than three acres. All sites shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.
- C. Essential community facilities and services for residential development shall be reasonably accessible to the development site or provisions shall be made to assure that such facilities and services will be provided.

- D. Direct vehicular access to the development site shall be provided by an abutting improved public street or way or by an improved and permanently maintained private street or way which is protected by a permanent easement. Access to the development shall not be through any existing residential development with only one point of access.

Section 23.07. Site Improvements

- A. Site improvements shall be harmoniously and efficiently developed in relation to topography and the shape of the site. Full attention should be paid to use, appearance, and livability. Site improvements shall be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other natural site features should be preserved to the extent practical.
- B. When necessary, grading shall be utilized to preserve desirable site features through the diversion of surface water away from mobile home stands, the prevention of standing water and excessive soil saturation, and the disposal of water from each mobile home space or lot. In no case, however, shall grading be permitted to direct excessive surface water flow onto adjacent property.
- C. In the case of fill work at the development site, all fill material shall be uniform in texture and free from debris. Fill material shall be applied in uniform layers, raked, and compacted to minimize settlement.
- D. Specific areas for the collection and disposal of surface and subsurface water shall be provided to protect the mobile home and provide safe use of other improvements. Surface water shall be directed toward existing off-site drainage facilities located in public rights-of-way. Internal drainage facilities shall be of adequate size, design, and construction and assured of permanent maintenance through easements or other means. The Planning Commission upon the advice from technical staff such as the commission engineer or planning staff may require other drainage measures such as intersection drains, drop inlets, bridges, etc., as deemed necessary.
- E. Exposed ground surfaces in all parts of every development site shall be either paved, covered with stone or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- F. An evergreen buffer strip consisting of trees, shrub, or hedge which will grow to a height of not less than ten feet and be spaced not less than ten feet apart for a width of 15 feet, shall be planted along all boundaries of the mobile home park. It is also recommended that trees or shrubs be utilized for internal screening of garbage collectors and to provide adequate privacy among the units.
- G. The provisions of designated open space and recreation areas is encouraged to the extent necessary to meet the anticipated needs of the occupants. A centralized location is preferable for convenience and efficient maintenance. The commission may allow a density increase of two units per acre where adequate open space and recreational areas have been constructed.

Section 23.08. Transportation System

- A. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot and other important park facilities. Access shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic.
- B. The street system shall be designed to recognize existing easements, utility lines, etc., which must be preserved and to permit connection of existing facilities where necessary for the

proper functioning of the drainage and utility system. Streets shall also be adapted to the topography, have suitable alignment for traffic safety, and have satisfactory surface and ground water drainage.

- C. Public and private streets shall meet the standards and specifications for road construction set forth in the Rutherford County Subdivision Regulations and the Specifications for Subdivision Roadway, Drainage Construction and Erosion Control for land Development in Rutherford County, Tennessee .
- D. Before any proposed park may be constructed, the park must first be inspected by the county engineer who will at that time review the tract and make recommendations necessary to prevent future drainage problems. The developer will be responsible for the provision of the specified improvements and installation of the improvements in the manner as so indicated by the county engineer. The commission may require a surety be posted (bond, letter of credit, cash deposit, etc.) to insure completion of all required improvements.
- E. Surfaced streets are required, and all streets shall meet the required construction standards.
- F. All streets located within a mobile home park shall be illuminated with lighting units consisting of 400 watt mercury vapor lamps at intervals of 100 feet approximately 30 feet from the ground.
- G. Off-street parking areas shall be provided in all mobile home parks for the use of the occupants and guests without interference with the normal movement of traffic. All parking spaces shall be located so access can be gained only from internal streets of the mobile home park.
- H. All mobile home parks shall be provided with safe and convenient pedestrian access between mobile homes and park facilities. A common walk system is recommended for those areas in which pedestrian traffic is concentrated in a large development.

Section 23.09. Utilities

- A. Water Supply.
The bacteriological and chemical quality of the water shall be acceptable to the appropriate State or Local Agency in accordance with minimum requirements for the State of Tennessee.

The source of water supply shall be capable of supplying a minimum volume of 250 gallons of water per day per mobile/manufactured home at a pressure of not less than 20 pounds residential pressure per square inch, under normal operating conditions at each mobile/manufactured home. The individual size of the feeder water lines shall comply with the design and specifications of the appropriate utility district.
- B. Sewage Disposal.
An adequate and safe sewerage disposal system shall be provided in all mobile/manufactured home parks for conveying and disposing of all sewage. Where a public sewerage disposal system is available and of satisfactory quality, connection shall be to this system and used exclusively. When a satisfactory public sewerage disposal system is not available, a private system may be developed in accordance with the standards detailed below. Such a system shall be designed, constructed, and maintained in accordance with regulations enforced by the appropriate State or Local agency.
- C. Electrical Distribution.
Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, and equipment installed and maintained in accordance with the applicable codes and

regulations governing electrical distribution systems. The electrical distribution system shall also meet the following general requirements:

1. Main primary lines not located underground shall be suspended at least 18 feet above the ground. There shall be a minimum horizontal clearance of three feet between overhead wiring and any mobile home or other construction.
2. All direct buried cables shall be without splices or taps between junction boxes and protected by ridged conduit at all points of entry or exit from the ground. Such cables shall be located no less than 18 inches below the ground surface and located in a separate trench not less than one foot radial distance from water, sewer, gas, or other service.
3. Demand factors for feeder and service lines shall be calculated in accordance with the National Electrical Code to determine the appropriate line size.

D. Gas Supply.

Natural gas and liquefied petroleum gas systems equipment and installation within a mobile home park shall be designed and constructed in accordance with the applicable codes and regulations. The natural gas supply system shall meet the following general requirements:

1. Underground piping shall be buried at a sufficient depth to protect it from physical damage as outlined in the Southern Standard Gas Code. No piping shall be installed underground beneath a mobile home or other structure.
2. All gas regulators, meters, valves or other exposed equipment shall be protected from physical damage by vehicles or other causes.
3. A readily accessible and identified emergency shut-off valve controlling the flow of gas to the entire internal gas piping system of a mobile home park shall be installed near to the point of connection to the service piping.
4. Demand factors for use in calculating gas piping systems shall be in accordance with the Standard Gas Code.

E. Oil Supply.

Oil supply systems equipment and installations within a mobile home park shall be designed in accordance with the applicable codes and regulations. Oil may be supplied by either an outside underground tank, an outside above ground tank or a centralized oil distribution system designed and installed in accordance with accepted engineering practices which comply with national codes.

F. Garbage Disposal.

The storage, collection, and disposal of refuse in a mobile home park shall be conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. When a suitable public refuse collection service is available such service shall be utilized exclusively for solid waste disposal. If such a service is not available to a mobile home park, the operator shall dispose of the refuse approved disposal site in accordance with health department procedures. In addition, the refuse disposal system shall meet the following general requirements:

1. All refuse shall be stored in a fly tight, water tight, and rodent proof containers, which shall be located not more than 150 feet from any mobile home space or lot. These containers shall be located on concrete dumpster pads designed to prevent or minimize spillage and container deterioration.

2. A sufficient number of containers of adequate capacity in accordance with commission approval shall be provided to properly store all refuse. The refuse within these containers shall be collected and disposed of on at least a weekly basis in the appropriately approved manner.

Section 23.10. Mobile/Manufactured Home Site

- A. Every mobile/manufactured home site shall meet the minimum requirements set forth in this section for the development of individual sites. These criteria are for the purpose of assuring privacy, adequate natural light and air, and convenient access and circulation around each mobile/manufactured home. Mobile/manufactured homes shall not be placed in areas designated as 100-year floodplain by the Federal Emergency Management Agency.

- B. Type I Mobile/Manufactured Home Parks

Each mobile/manufactured home space shall be adequate for the type of facility occupying the same. Mobile/manufactured homes shall be parked on each space so that there will be at least 30 feet of open space between mobile/manufactured homes or any attachment such as a garage or porch, and at least 30 feet end to end spacing between trailers and any building or structure, 40 feet between any trailer and property line and no less than 100 feet from the right-of-way of any interstate, arterial, or collector street or highway, no less than 50 feet from any local street; and no less than 200 feet from a residential subdivision development approved by Rutherford County Regional Planning Commission. In addition, each mobile/manufactured home space shall contain:

1. A minimum lot area of 4,000 square feet.
2. A minimum depth with end parking of an automobile equal to the length of the mobile/manufactured home plus 30 feet.
3. A minimum depth with side or street parking equal to the length of the mobile/manufactured home plus 15 feet.
4. Each lot shall have a minimum lot width of 40 feet and a minimum depth of 75 feet with the limits of each mobile/manufactured home space being clearly marked by permanent ground stakes.
5. The appropriate density shall be determined by the Board in accordance with the standards set forth in Section 7.02 of the Rutherford County Zoning Resolution. In no case shall the density exceed seven units per acre.

- C. Type II Mobile/Manufactured Home Parks

Type II Mobile/manufactured home Parks are those parks which cannot meet the requirements set forth in Section 23.11, sub-section B of this Article. Mobile/manufactured homes shall be parked on each space so that there will be at least 100 feet of open space between mobile/manufactured homes in all directions. Mobile/manufactured home shall be parked no less than 100 feet from the right of way of any interstate, arterial, or collector street or highway; no less than 50 feet from any local street; and no less than 200 feet from a residential subdivision approved by the Rutherford County Regional Planning Commission.

Each mobile/manufactured home space shall have an area designated as a mobile/manufactured home stand or pad that meets all the setback requirements and affords practical access for the placement and removal of a mobile/manufactured home. It is recommended that this stand consist of two 24-inch runways, for the length of the mobile/manufactured home. The stand shall contain piers to serve as land bearing supports for the mobile/manufactured home. These piers shall meet the following construction requirements or the Southern Standard Building Code whichever is the most attractive:

1. Piers less than 40 inches in height shall be constructed of open and closed cell, eight inch by eight inch by sixteen inch concrete blocks (with open cells vertically placed upon the

footer). Single-stacked block piers shall be installed with the sixteen inch dimension perpendicular to the main (I- beam) frame. The piers shall be covered with a two inch by eight inch by sixteen inch wood or concrete cap.

2. Piers between 40 and 80 inches in height and all corner piers over three blocks high shall be double blocked with blocks interlocked and capped with a four inch by sixteen inch wood or concrete cap.
- D. All mobile homes shall be secured to the site through an anchorage system consisting of over the top tie downs to restrict overturning and frame tie downs to restrict the unit from being pushed from its pier. These tie downs shall meet the anchorage requirements specified by Tennessee State Statutes and Southern Standard Building Code in terms of installation and inspection requirements.
- E. An individual water connection shall be provided at each site with at least a three-fourth inch connecting water riser pipe. This pipe shall extend in a vertical position at least four inches above ground level at the appropriate location. Adequate provisions shall be made to prevent the freezing of service lines, valves, and riser pipes and to divert surface drainage from the riser pipe. The riser pipe shall be capped when the site is unoccupied. At each site a shut off valve located below the frost line shall be provided near the water riser.
- F. Each site shall be provided with at least a four inch corrosive resistant sewer riser pipe. This pipe shall extend in a vertical position at least four inches above ground level at the appropriate location. This service pipe shall consist of water tight joints and slope at least one-fourth inch per foot to either a collector line or septic tank. Provisions shall be made to plug the drain when the site is unoccupied. All sewer lines shall be laid in trenches separated at least ten feet horizontally from any drinking water supply line.
- G. Electrical service drops from feeder distribution lines shall be provided, installed, and maintained in accordance with the National Electrical Code, Tennessee Department of Insurance and Banking Regulations Number 15, entitled "Regulations relating to Electrical Installations in the State of Tennessee". A weather- proof over-current protection device and disconnecting means shall be provided for each site. All exposed non-current carrying metal parts of the mobile home shall be properly grounded.
- H. Each site provided with natural gas or liquefied petroleum shall have an approved manual shut-off valve installed upstream of the gas outlet. Underground piping shall be at a sufficient depth to be protected from physical damage and shall not be installed beneath a mobile home stand unless it is installed in an approved gas tight conduit. Liquefied petroleum gas or oil containers shall be securely but not permanently fastened to prevent accidental over-turning. No containers shall be stored within or beneath any mobile home. All gas or oil systems shall be installed and maintained in accordance with the applicable codes and regulations governing such systems.
- I. Off-street parking spaces shall be provided in sufficient number to meet the needs of the occupants and their guests. Such facilities shall be provided at the rate of at least three spaces per mobile/manufactured home. The size of the individual parking space shall consist of a minimum width of not less than ten feet and a length of not less than 22 feet. If necessary, driveways with a minimum of eight feet in width shall be provided to the spaces.
- J. It is recommended that provision be made for external storage facilities at each site. These facilities should be designed in a manner that would enhance the appearance of the development. Any such facilities shall be confined within the exterior boundaries of the site and meet the applicable setbacks for such a facility.

Section 23.11. Service Facilities

Every permanent service facility shall be designed, constructed, and located in accordance with the applicable codes and regulations. These include the building, electrical, gas, and plumbing codes. Each structure shall meet the minimum setback requirements as outlined in this resolution for mobile/manufactured home stands or pads with greater setbacks being recommended. Parking requirements for such facilities shall be as determined by the Board.

- A. The requirements of this Section shall apply to permanent service facilities including but not limited to management offices, laundry facilities, sanitary facilities, storage facilities, and recreational facilities. Such facilities are required for developments for the convenience of the occupants. All recreational open space shall consist of a minimum area of not less than 100 square feet per space.
- B. A mobile/manufactured home shall not be occupied for dwelling purposes unless it is properly installed on a mobile/manufactured home stand and connected to all utilities. The park management shall supervise such installations.
- C. No mobile/manufactured home shall be admitted to a mobile/manufactured home park unless it can be demonstrated that it meets the requirements of the Mobile/manufactured home Manufactures Association Mobile/manufactured home Standards for Plumbing, Heating, and Electrical Systems or any state administered code insuring equal or better systems.
- D. No dogs, cats, or other domestic animals shall be permitted unrestricted freedom within the limits of mobile/manufactured home parks. Any kennels or pens for such animals shall be maintained in a sanitary condition at all times.
- E. Pre-existing mobile/manufactured home parks shall comply with all state regulations applicable thereto, which were in force prior to the establishment of this mobile/manufactured home park resolution. Expansion of these mobile/manufactured home parks shall be limited to 25% of their size at the time of the passage of this resolution. Further expansion shall only occur after compliance with the requirements of this resolution.

Section 23.12. Miscellaneous Requirements

- A. The development shall be maintained free of insect and rodent harborage and infestation. When the potential for insect, and rodent infestation exists, extermination methods which conforms to the requirements of the health authority shall be utilized to control such.
- B. The growth of brush, weeds, and grass in open areas shall be controlled and maintained to prevent heavy undergrowth of any description. Special emphasis shall be on the prevention of the growth of ragweed, poison ivy, poison oak, poison sage, and other noxious weeds considered to be detrimental to health.
- C. Care shall be taken to control dry brush, litter, rubbish and other such flammable materials which communicate fire between mobile homes and other structures.
- D. Every mobile home park within Rutherford County shall be operated with adequate supervision to assure the park, its facilities, and equipment are maintained in good repair and operated in a clean and sanitary condition at all times. No travel trailers shall be placed on a mobile home stand or connected to utilities in a mobile home park for occupancy as a dwelling unit.

Section 23.13. Enforcement

- A. It shall be the duty of the Building Inspector to enforce the provisions of this Article and the duty of those inspectors specifically mentioned in Section 23.05 of this Article to enforce those regulations under their jurisdiction as those regulations apply to this Article.
- B. The developer or the person to whom a permit for a mobile home park is issued shall be the sole individual responsible for compliance with this Resolution and the other regulations. Actions toward the enforcement of this Resolution and all other regulations shall be directed toward the person to whom the mobile park permit is issued.

Section 23.14. Penalties

- A. Any person or corporation who violates the provisions of this Resolution or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the Building Inspector or other inspectors with jurisdiction after receipt of 30 days written notice of such requirements, shall be fined no more than \$50.00 for each offense and each day of continued violation shall constitute a separate offense, subsequent to receipt of said 30 days notice.
- B. In case any structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any structure or land is used in violation of this Resolution, the Building Inspector or any appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action or proceedings to prevent the occupancy of such structure or land.

ARTICLE XXIV. STORMWATER MANAGEMENT RESOLUTION

(Adopted by Rutherford County Board of Commissioners September 9, 1991)

Section 24.01. Sinkhole And Drainage Well Information

Because of the many drainage problems commonly associated with sinkholes and drainage wells, the applicant must provide the following information prior to alteration of the natural drainage for watersheds discharging to such features:

- A. Proposed onsite and offsite drainage channels that are tributary to a sinkhole throat or drainage well inlet shall be delineated, along with appropriate hydraulic calculations to define the existing and altered (if appropriate) 100 year flood plain and to confirm that offsite flooding will not be increased. Such drainage plans and hydraulic calculations are to be certified by a registered engineer.
- B. Detailed contours are to be shown for all sinkholes that are to receive stormwater runoff from the site. These contours are to have a maximum interval of two feet and are to be verified by field surveys.
- C. Geologic investigation of all sinkholes receiving stormwater runoff from the site shall be performed unless overflow outlet is provided. The report from this investigation shall be certified by a registered engineer experienced in geology and groundwater hydrology and shall contain the following:
 - 1. Location and nature of underground aquifers.
 - 2. Direction of flow for the subsurface drainage associated with the sinkhole or drainage well.
 - 3. Estimated safe discharge from sinkhole to aquifers. Include information on method of sinkhole discharge estimation.
 - 4. Potential for siltation problems.
 - 5. Foundation problems that may be expected around sinkhole.
 - 6. Details of drainage structures to be built in sinkholes.
 - 7. Any other factors relevant to the design of drainage from sinkholes.
 - 8. Plans showing the current and altered (if appropriate) 100-year flood plain.
 - 9. Details of plan for grading and clearing of vegetation within the 100-year flood plain.
- D. Compliance with any and all conditions that may be required by the federal government or the State of Tennessee shall be documented. The Tennessee Division of Ground Water is the primary regulatory agency for drainage wells. Drainage into a sinkhole may require a permit for a class V well under rules for Underground Injection Control (UIC).
- E. Demonstration that development will not occur within the area flooded by the 100-year flood. The 100-year elevation may be lowered by construction of a drainage well or detention pond. Calculations that document a lowering of the 100-year flood elevation shall be based on the 100-year, 24-hour storm using an appropriate safety factor for discharge into the sinkhole.
- F. Multiple residential development must be designed assuming total sinkhole or drainage well blockage. A surface outlet may be provided to prevent stormwater from rising above the 100-year flood elevation. No development will be allowed within the drainage basin of a sinkhole if such development will lead to any additional increase in flood levels within that or adjacent basins unless overflow outlet is provided. Special care will be required during construction to prevent eroded soil and debris from being washed into the sinkhole.

Section 24.02. Required Information

In the development of plans for review by the Rutherford County Regional Planning Commission, it shall be the responsibility of the Applicant to include sufficient design information to enable evaluation of the environmental qualities of the affected area, the potential and predicted impacts of the proposed activity on affected waters, and the effectiveness and acceptability of the measures proposed by the Applicant for preventing or reducing adverse impacts.

A. Pre-development Site Information

1. Location of existing streams and other flood water runoff channels, their normal channels, and the extent of the flood-plains at the established high water elevations, and the limits of the floodway at a scale of 1" = 100'.
2. Location of existing lakes, ponds, swamps, and detention basins indicating their normal shorelines, floodplains and lines of inflow and outflow, at a scale of 1" = 100'.
3. Location of existing farm drains, inlets, and outfalls, storm, sanitary and combined sewers and outfalls, septic tank systems and outlets, if any, and seeps, springs and flowing and other wells mapped at a scale of 1" = 100'.
4. Location and description of nearby existing off-site water management facilities mapped at a scale of 1" = 100' such as wells, lakes, drainage ways, etc., which might be affected by the proposed construction of development.
5. FLOODWAYS
 - a. Areas designated as floodways are located within areas of special flood hazard. The floodway is an extremely hazardous area because of the velocity of floodwaters, which can carry debris and potential projectiles and have erosion potential. Thus, the following provisions shall apply:
 1. Encroachments, including fill, new construction, substantial improvements, and other developments, are prohibited unless certification (with supporting technical data) by a registered engineer is provided demonstrating that encroachment shall not result in any increase in flood levels during occurrence of the base flood discharge.
 2. If item 1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of these regulations.
 - b. The open space uses listed below shall be permitted within the floodway to the extent that they are not prohibited in a particular area by any base zoning ordinance and all applicable flood hazard reduction provisions of these regulations are met.
 1. Agricultural uses such as general farming, pasture, truck farming, forestry, sod farming, and wild crop harvesting.
 2. Public and private recreational uses not requiring "permanent or temporary structures" designed for human habitation; some examples are parks, swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature preserves, game and skeet ranges, and hunting, fishing, and hiking areas. Temporary structures are placed on a site for less than 180 consecutive days and are not intended to be improved property.

3. Utility facilities such as flowage areas, transmission lines, pipelines, water monitoring devices, roadways, and bridges.

6. FLOOD PLAIN ALTERATIONS

- a. All dredged or cut areas shall be stabilized immediately to prevent excessive erosion. Areas to be filled must be cleared of standing trees, stumps, brush, downed timber, and all objects including structures on and above the ground surface. Topsoil shall be removed and stockpiled, while all other spoil materials must be disposed of offsite. Fill material obtained offsite shall not be stockpiled onsite before grading cuts are completed. Fill material shall be placed in compacted layers and the minimum distance from the perimeter of any proposed building to the top of the slope shall be either 25 feet or twice the depth of fill at that point, whichever is greater. The fill material must not have slopes equal to or steeper than 3 : 1 unless stabilization measures approved by the Rutherford County Regional Planning Commission are installed. All slopes shall be stabilized.
- b. No alterations can be made to flood plain land and drainage channels without the written approval of the county engineer.
 1. The construction of a levee, earth fill, building, or other structure that alters a flood plain area shall only be permitted based on a plan prepared by a registered engineer, showing existing and proposed elevations, existing and proposed drainage channels, and existing and proposed structures. The plan shall be approved by the county engineer certifying that the alteration and construction as proposed are in compliance with all flood hazard reduction provisions of these regulations.
 2. The proposed excavation, filling, or change of alignment of any existing channel under the jurisdiction of the U.S. Corps of Engineers shall be approved by the same.
 3. The plan shall be approved by the Rutherford County Regional Planning Commission. Any duly approved alteration of the flood plain will be so noted on the official zoning map as a matter of information. This notation will be made upon certification by the Director of the RCRPC to the Planning Commission that such alteration has been completed in accordance with the approved plan.

7. FLOODPROOFING

- a. Flood proofing measures such as those identified below are acceptable provided they are certified by a registered engineer or architect as being consistent with the base flood conditions for the particular area, and that flood proofing criteria for non-residential construction are met.
 1. Anchorage to resist flotation and lateral movement.
 2. Installation of watertight doors, bulkheads, and shutters.
 3. Reinforcement of walls to resist water pressure.
 4. Use of paints, membranes, or mortars to reduce seepage of water through walls.
 5. Addition of mass or weight to structures to resist flotation.
 6. Installation of pumps to lower water levels in structures.
 7. Construction of water supply and waste treatment systems to prevent the entrance of floodwaters.
 8. Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.

9. Construction to resist rupture or collapse caused by water pressure or flotation debris.
10. Cutoff valve on sewer lines or the elimination of gravity flow basement drains.

B. Stormwater Management

A stormwater management plan is designed to safely manage the stormwater runoff following the rainstorms which exceed the maximum allowable release rate and the capacity of the stormwater drainage system and /or the storm sewer system. The plan shall provide and/or be accompanied by maps at a scale of 1" = 100' and other descriptive material, including basis of computations, showing the following:

1. Location of proposed drainage basins showing direction of flow, taking into account off-site runoff being routed through or around the project.
2. Location of all existing drainage facilities (including but not limited to, water bodies, wetlands, waterways, floodplains, detention ponds, detention basins, swales, ditches, storm sewers, storm drains, culverts and bridges) which are to be maintained, altered, or enlarged as part of the stormwater management system. Provide information as to their size, slopes, depths, outfalls, receiving waters, elevations, cross sections, profiles, construction materials and other design details as applicable.
3. Location of all new drainage facilities to be constructed. Provide their design details as applicable.
4. Location and extent of rights-of-way and easements for the stormwater management system, including all areas to be dedicated for water management purposes.
5. Engineering evaluation of all potential increases in flood hazards to the adjacent upstream and downstream private or public lands and facilities located thereon for a distance such that the proposed development's watershed is equal to ten percent (10%) of the total watershed. Show provisions for eliminating any adverse impact on said lands and facilities.
6. Provide stormwater management system design calculations including but not limited to the following:
 - a. Design storms used. (see Hydraulic Design Considerations)
 - b. Acreage and runoff coefficient.
 - c. Time of concentration.
 - d. For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and the basin outflow rates for those water surface elevations.
 - e. Runoff routing calculations showing discharges, elevations, and/or detained during applicable storm event.
 - f. Calculations required for determination of minimum building floor and road elevations.

C. Legal and Institutional Information Including

1. Identify entity responsible for operation and maintenance of any proposed detention system.
2. If the operation and maintenance entity is to be a public body, a preliminary letter of acceptance from the public body shall be submitted prior to preliminary plan approval. A final letter of acceptance by the public body is required prior to final plan approval.

3. If the entity is a homeowners association, then documents verifying the existence of such an organization and its ability shall be submitted with the preliminary plan. A final letter of acceptance by the Homeowners Association must be submitted prior to final plan approval.

Section 24.03. Design Requirements for Stormwater Management

- A. A stormwater management system shall be provided for protecting lots, roads, streets, and buildings in the project area from the potential adverse impacts of stormwater runoff. Streets, blocks, depths of lots, parks and other public grounds, and ultimate land usage shall be determined, located and laid out in such a manner as to reduce the velocity of overland flow and allow the maximum opportunity for infiltration of stormwaters into the ground, and to preserve and utilize natural streams, channels and detention basins, and wherever possible including streams and floodplains within parks or other public grounds.
- B. Generally acceptable locations for stormwater runoff channels in the design of the project area may include the following:
 1. In a depressed median of a double roadway, street, or parkway, provided the median is wide enough to permit flat side slopes.
 2. Centered on the rear lot lines in a block, or entirely within the rear yards of a single row of lots or parcels, provided that in either case the lots are deep enough to permit side slopes in the runoff channel and a building site of the elevation required by this and other sections of these subdivision regulations.
 3. In a depressed greenway along roadway, street, or parkway, provided the greenway is wide enough to permit side slopes as required in this section.
- C. Alternative systems such as curb and gutter and storm sewers that discharge into an appropriate detention basin may be incorporated into the stormwater management design.
- D. The smaller, uppermost reaches of drainage channels and swales forming the natural drainage system near a watershed divide may be relocated or eliminated and incorporated into the planned system of storm sewers and open channels designed consistent with the requirements of this section.
- E. A continuous easement may be provided along rear lot lines and shown on the stormwater management plan within which utility lines and open drainage facilities may be located and maintained, but on which no accessory buildings may be constructed. The utility-drainage easement shall be at least twenty (20') feet wide, with ten feet on each lot. Within the area so designated for the passage or storage of waters; no structure may be erected, no fences, shrubbery or trees planted, or changes made to prescribed grades and contours of the specified flood water or stormwater runoff channels.
- F. All storm sewer outfalls shall be so designed, by reason of elevations of the invert, by the installation of pumps, or by other features, that when the receiving stream is in full flood, the storm sewers will continue to drain the areas they are designed to serve unless the provision is made for sewer backups into planned storage locations.
- G. All sanitary sewer manholes constructed in a floodplain, in a street designed for detention, or in an area designed for the storage or passage of flood or stormwaters, shall be provided with either a watertight manhole cover, a watertight concealed pickhole cover, or be constructed with a rim elevation of a minimum of 1.0 feet above the high water elevation of the 100 year flood or the high water elevation of the design storm, whichever is applicable to the specific area.

- H. Stormwater control systems planned in coordination by two or more property owners and/or developers are encouraged.
- I. Projects that are to be developed in phase will normally require the submission of a master plan of the applicant's contiguous land holdings. Applications for individual project phases may be considered only when the phases are totally independent of, or make sufficient provisions for, adjacent lands.

Section 24.04. Hydraulic Design Considerations

A. Design Storms

The Nashville Storm Water Management Manuals and Regulations or the Tennessee Department of Transportation Manual shall be followed for the designs unless otherwise stated below. Storm water systems will be designed with sufficient hydraulic capacity for the following frequencies and duration:

| <u>Facility</u> | <u>Frequency</u> |
|--|------------------|
| Detention Basins | 50 years |
| Primary Drainage Systems | 25 years |
| Secondary Drainage Systems (i.e. Cross drains & ditches for internal subdivision drainage) | 25 years |

B. Sources of Information

1. Rainfall frequency-duration curves for the Middle Tennessee area shall be used.
2. Rutherford County Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development.

C. Technical Guidelines Criteria

1. ADEQUATE DRAINAGE

- a. Adequate Drainage systems shall have the hydraulic capacity to accommodate the maximum expected stormwater discharge for a specified tributary drainage area and precipitation duration and intensity.
- b. Adequate drainage systems shall be designed to accomplish the following:
 1. Account for both offsite and onsite stormwater.
 2. Maintain natural drainage divides.
 3. Convey stormwater to a stream, channel, natural drainageway, or other existing facility.
 4. Discharge stormwater into the natural drainageway by connecting the drainageway at natural elevations, or by discharging the stormwater into an existing facility of sufficient capacity to receive it, or by discharging into an approved drainage well.
- c. Determination of the size and capacity of an adequate drainage system shall take into account the future development in the watershed or affected portions thereof. The design must not adversely affect adjacent or neighboring properties.

- d. It is the responsibility of the developer or property owner to pick up or acceptably handle the runoff as it flows onto his property from the watershed above, and conduct it through his property line or beyond. The outfall must be sufficient to receive the runoff without deterioration of the downstream drainageway.

2. STORM DRAINAGE SYSTEM

- a. The design of the Storm Drainage System shall be based on a storm frequency of 25 years. This criterion shall be applied to both closed conduit and open channel systems. Systems relying on sinkholes or drainage wells for discharge shall be capable of passing the 100-year design flow within the drainage easement unless overflow outlet is provided. Sinkholes may not be utilized as a part of the drainage system unless overflow outlet is provided.
- b. In residential subdivision developments where the average lot size is less than 40,000 square feet, the following general guidelines shall be observed in the design of the drainage system:
 - 1. Design surface runoff across lots shall not have erosive velocities (see Vol. 2, Metro Storm water Management Manual).
 - 2. Quantities of surface runoff greater than 6 CFS that flow through lots shall be collected and conveyed in a system of open channels, closed conduits, or a combination of both.
 - 3. Lots should generally be arranged in such a manner that surface runoff does not cross more than five lots before it is collected in a system of open channels, closed conduits, or a combination of both.
 - 4. Design flows may be determined by the methods identified in Volume 2- Procedures, Metropolitan Government of Nashville and Davidson County: Storm water Management Manual, Tennessee Department of Transportation Survey Manual, or SCS TR-55 Manual.
 - 5. Natural waterways serving the drainage system shall remain undisturbed and having a Greenway easement of twenty-five (25) feet on both sides of the waterway measured from the top of the bank (if both sides of the waterway are part of the property to be developed, otherwise it shall be required only on the development side of the waterway. However, due to the insufficient capacity of most natural drains, improvements to the channel may be necessary to properly utilize the adjacent property. Improvements to natural open channels that are to function primarily as the drainage system shall be designed to pass the 100-year design flow without damage to the channel. Man-made channels shall be capable of carrying a 25-year design flow. Where man-made channels are necessary, the channels should be located as far away from buildings or structures as possible and preferably in established greenbelts.

3. OPEN CHANNEL CAPACITY

Open channel capacity shall be determined by Manning's equation. Appropriate Manning's n values as presented in Volume 2, Metro Stormwater Management Manual, or the Tennessee Department of Transportation Survey Manual, or SCS TR-55 shall be utilized for design and are subject to approval from the RCRPC.

4. LINED CHANNELS

- a. Open channels may be designed as lined channels. Acceptable lining materials must be placed in accordance with applicable subdivision regulations. Approval of lining materials is subject to review by the RCRPC.

- b. Channel lining shall be required when the design velocity exceeds the allowable, non-erosive velocity for a given channel reach and no other erosion control measures provide adequate protection. Allowable, non-erosive velocities for various soil types are presented in Volume 2, Metro Stormwater Management Manual.

5. GRASSED CHANNELS

- a. The design of grassed channels shall be considered the variable degree of retardness generated by different types of cover (see Volume 2, Metro Stormwater Management Manual).
- b. Temporary erosion control shall be utilized during non-growing seasons and during grass cover establishment. The engineer shall note on the drawings or in the specifications that "All grassed channels must be in well-stabilized conditions and show no sign of erosion at the time of final acceptance by the maintaining authority".

6. EASEMENT WIDTH

All open channels shall be located within the right-of-way of a drainage easement. Minimum easement width shall be determined from table 1:

Table I

MINIMUM EASEMENT WIDTH FOR OPEN CHANNELS

| Table Width of Channel | Easement Width |
|------------------------|---|
| Less than 6 feet | 20 feet |
| Greater than 6 feet | 5 feet wider than top width of channel, but no less than 20 feet wide |

7. STORM DRAINAGE CONDUIT CAPACITY

Closed conduits shall be designed for the total flow intercepted by the inlets during the design storm event.

8. PRESSURE FLOW

- a. Storm drain systems should generally be designed as non-pressure systems. However, pressure flow systems if coordinated with the county engineer during the preliminary design phase, may be allowed. The hydraulic gradient for pressure flow systems shall not exceed following criteria:

- 1. An elevation greater than one foot below the established ground surface, or
- 2. More than five feet above the crown of the conduit.

9. EASEMENT WIDTH

Minimum allowable easement width for storm drains shall be determined from Table 2.

Table II

MINIMUM EASEMENT WIDTH FOR STORM DRAINS

| Conduit Size | Easement Width |
|----------------|----------------|
| 15 - 18 inches | 10 feet |
| 21 - 33 inches | 15 feet |
| 36 - 48 inches | 20 feet |
| 54 - 72 inches | 25 feet |

10. INLETS

Since curbs and gutter inlets shall not be used as components of a major drainage system, the 100-year frequency shall not be considered.

11. CULVERTS

- a. The design flow for culverts shall be based on the following return frequencies:
 1. 25-year for residential collector and commercial road crossing.
 2. 25-year for residential roads and crossings.

12. OUTLET PROTECTION

The design discharge at the outlet of drainage systems shall not result in velocities that equal or exceed the erosive velocity of the receiving channel, unless energy dissipation and erosion protection measures are placed at the outlet. Energy dissipation and erosion control devices shall have no overfall at the terminal end and shall discharge onto a stable section. The terminal section shall be considered stable if the terminal section design velocity is less than the erosive velocity.

13. BRIDGES

All bridges with spans of 20 feet or greater shall be designed for the 25-year storm event. The design flow shall consider runoff from the total tributary area and will require stream channel routing, as appropriate.

14. STORMWATER DETENTION/RETENTION

a. RELEASE RATE

The release rate from any detention facility should approximate that of the developed site prior to the proposed development for the 50-year storms, with emergency overflow capable of handling the 100-year discharge except where waived or altered by the RCRPC. Adequate alternate drainage must be provided to accommodate major storm flows. Detention systems must be constructed during the first phase of major developments to eliminate damage to adjacent properties during construction. If siltation has occurred, detention systems must be restored to their design dimensions after construction is complete and certified as part of the approved construction/site plans.

b. DETENTION VOLUME

The required detention volume shall be that volume necessary to attenuate the post-development peak discharge to a level not to exceed the pre-development peak discharge. This volume may be minimized by careful attention to outlet structure discharge.

c. DRAWDOWN

Detention storage volume shall be drained within 72 hours. This requirement includes that volume above permanent pool in retention systems. Drawdown may be accomplished by a small orifice or notched weir. Other methods may be approved subject to the county engineer's review.

d. MAINTENANCE

1. Care must be taken to ensure that any required detention facilities do not become nuisances or health hazards. Detention facilities should be designed to require minimal maintenance, and maintenance responsibility must be clearly stated on the plans. Where dual purpose facilities are provided, or where flat grades or poorly draining soils are encountered, provisions for adequate low flow drainage may be required. Where the retention/detention facility is planned to be used as a lake or pond with permanent pool, water budget calculations shall be performed to demonstrate that an adequate pool is expected during dry summer months.
2. All detention facilities located in residential developments, excluding condominium developments and single family PUDs, shall be within storm drainage easements and shall be maintained by the recorded property owner of record or by an approved and properly recorded property owners association. Detention facilities located in industrial, commercial, or institutional developments, apartment developments, and rental townhouses must be maintained by the property owner, and a maintenance agreement must be executed before the development is approved.

e. SINKHOLES AND DRAINAGE WELLS

All drainage systems discharging to sinkholes or drainage wells shall be designed using the 100-year storm for critical duration of the watershed tributary to the sinkhole or drainage well. A geologic investigation and report as described under Section 24.01: SINKHOLE AND DRAINAGE WELL INFORMATION is required, along with a demonstration that development will not occur within the area flooded by the 100-year storm and that all state and federal permitting requirements are complied with.

15. EROSION CONTROL PLANS

An erosion control plan shall identify the erosion control practices and sediment trapping facilities which are appropriate for the site conditions in question. Particular attention is required for concentrated stormwater flows. Either concentrated stormwater flows shall be avoided or the conveyance system shall be protected sufficiently to prevent significant erosion. Sediment trapping devices are generally required at all points where stormwater leaves a site laden with sediment. The plan shall identify permanent stormwater conveyance structures, final stabilized conditions of the site, provision for removing temporary control measures, stabilization of the site where temporary measures are removed, and maintenance requirements for any permanent measures.

16. STABILIZATION OF DENUDED AREAS AND SOIL STOCKPILES

- a. Permanent or temporary soil stabilization shall be applied to denuded areas within 15 days after final grade is reached on any portion of the site. Soil stabilization shall also be applied within 15 days to denuded areas which may not be at final grade, but will remain dormant (undisturbed) for longer than 60 days.
- b. Soil stabilization refers to measures that protect soil from the erosive forces of raindrop impact and flowing water. Applicable practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Selected soil stabilization measures should be appropriate for the time of the year, site conditions, and estimated duration of use.

17. ESTABLISHMENT OF PERMANENT VEGETATION

A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved which, in the opinion of the county engineer, is mature enough to control soil erosion satisfactorily and to survive severe weather conditions.

18. PROTECTION OF ADJACENT PROPERTIES

- a. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance; by installing perimeter controls such as sediment barriers, filters or dikes, or sediment basins; or by a combination of such measures.
- b. Vegetated buffer strips may be used alone only where runoff in sheet flow is expected. Buffer strips should be at least 20 feet in width. If at any time it is found that a vegetated buffer strip alone is ineffective in stopping sediment movement onto adjacent property, additional perimeter controls shall be provided.

19. TIMING AND STABILIZATION OF SEDIMENT TRAPPING MEASURES

Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment onsite shall be constructed as a first step in grading, and be made functional before upslope land disturbance takes place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched within 15 days of installation.

20. CUT AND FILL SLOPES

Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. As a minimum, all slopes at 2 to 1 or greater shall be stabilized with rock riprap or other method approved by the RCRPC.

Section 24.05. Stormwater Management System Design Requirements

A. Runoff: Accepted methods of computation are as follows:

1. The Rational Formula ($Q=CIA$) shall be used in estimating runoff rates for areas up to 100 acres.
2. The Soil Conservation Service (SCS) Unit Hydrograph Procedure shall be used in estimating runoff rates of areas 100 acres or greater.
3. References
The latest editions of the following references shall be used to determine flow rates and required storage:
 - a. Design and Construction of Sanitary and Storm Sewer, WPCF Manual of Practice No. 9 (or ASCE Manuals and Reports on Engineering Practice No. 37), 1970.
 - b. Handbook of Applied Hydrology, Ven.Te Chow, McGraw-Hill, 1964.
 - c. Urban Hydrology for Small Watersheds, Technical Release No. 55, Soil Conservation Service, January, 1975.
 - d. Nashville Stormwater Management Manual Vol. 2 & Vol. 3.

- B. Detention Design Criteria - When required, detention in the overall system, including swales, lakes, canals, greenways, etc., shall be provided as follows:
1. General
 - a. Storage Volumes: The volume of storage provided in detention basins, together with such storage as may be authorized in other on-site facilities, will be sufficient to control the excess storm water runoff from the 25 year storm.
 2. Dry Detention Facilities
 - a. Perimeter maintenance and operation easements of 25 feet (minimum preferable) width at slopes no steeper than 3:1 (horizontal to vertical).
 - b. Side slopes of the facility shall not be steeper than 3:1 (horizontal to vertical).
 3. Wet Detention Facilities
 - a. Perimeter maintenance and operation easements of 25 feet (minimum preferable) width at slope no steeper than 3:1 (horizontal to vertical) shall be provided.
 4. Fencing of Detention/Retention Facilities
 - a. All detention/retention facilities shall have security fencing in the same manor as required in the county building codes for swimming pools.
- C. Developments Adjoining a Flood Plain - In addition to other required information, where a development adjoins or encompasses a portion of a floodplain for a 100 year flood, the following shall apply:
1. The Applicant shall show the floodway on the stormwater management plan.
 2. The Applicant shall not alter any channel in such a way that would prohibit any section of the channel from conveying, in its post-development state, the same amount of flow at the same or lower maximum water elevation, that it conveyed in its pre-development state.
 3. The Applicant shall furnish the following information pertaining to proposed channel modifications:
 - a. Typical cross-section of the existing and proposed channel and special cross-section of areas as indicated in paragraph 3 b above.
 - b. Plan view of the channel showing the location of existing constrictions, obstructions and other non-typical areas.
 - c. Hydrographs and/or Flood Routing Calculations and Backwater Curve Profiles of the proposed waterway corresponding to a storm recurrence interval of 100 years.
 - d. Minimum finished floor elevation which shall be set at three feet (3') above the established 100-year flood elevation or three feet (3') above the highest known water level in areas subject to periodic flooding or inundation; minimum pad elevation shall be a minimum of one foot (1') about the established 100-year flood elevation; and all mechanical and electrical equipment shall be located one and one-half feet (1.5') above the highest known water level in areas subject to flooding or inundation (amended 9-14-92).
 - e. Designation on the final plan of all areas reserved for flood routing, retention or storage, together with the required wording pertaining to restrictions, dedications and maintenance responsibilities of such area.
 4. If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the floodplain shall be credited to the development. No credit will be granted for volumes below the elevation of the regulatory flood at that location unless compensatory storage is also provided.

5. Detailed engineering studies shall be submitted for areas of potential flood where
 - a. No hydraulic data is available for the proposed project
 - b. The development plan may not conform to the intent of these regulations.
 - c. The proposed construction may impact the hydraulic capacity of the channel.
(approved June 11, 1987)
 6. Areas within subdivisions defined as floodway or sinkholes shall be designated conservation easements and no structures, fill, or building shall be permitted.
 7. Filling and/or dumping within the area designated as 100-year floodplain shall be prohibited unless compensation is provided for by excavation in the general area of the fill, and provided that the filling and/or dumping does not adversely affect the hydraulic parameters or capacity of the stream.
 8. Fill material within the floodfringe shall be adequately compacted and protected from erosion by drainage and erosion control measures as determined by the county engineering department.
 9. The maximum slope for fill within the floodfringe shall be 3":1' (3" horizontal to 1' vertical). No fill is allowed within the floodway.
 10. Certification by a licensed engineer or surveyor shall be submitted to certify that the completed excavation, grading, drainage, flood elevation and erosion control measures comply with the approved site design plan. This shall be submitted prior to the release of bonds and the issuance of a certificate of occupancy.
 11. No tract of land or lot located within the 100-year floodplain or in an area known to be subject to periodic flooding or inundation shall be considered a suitable residential building site unless there is provided an area sufficient in size to construct the proposed residence and provide a twenty-five foot (25') wide yard at or above the 100-year flood elevation in all directions from the principal structure. No grading or filling may be performed to meet this requirement unless approved by the County Engineer.
 12. No fill material, rubbish, or building may be placed in any natural drainageway such as streambeds, sinkholes, underground streams or channels, or wet weather streambeds or floodways.
 13. No development shall utilize as the primary drainage system natural underground systems, such as sinkholes, underground solution channels, caves or underground streams. These natural systems may be utilized for small insignificant runoff amounts to supplement the primary drainage system.
 14. All primary drainage structures shall be installed by the developer, and approved by the county engineer prior to issuance of any building permits.
- D. Right-of-Way and Easement
1. Stormwater management facilities shall be constructed within an easement or right-of-way dedicated to the public and connected to a public road and other locations from which operation and maintenance is legally available. Minimum rights-of-way and maintenance easements by instrument of plat dedication shall be provided for all waterways used to convey, retain or detain runoff. The minimum widths of rights-of-way and easements shall be as follows:

| Facility | Maintenance Access Width |
|--------------------------------------|---|
| Open Drainage Channel or Facility | 20 feet, 10 feet each side |
| Greenways | Width of Greenway |
| Pipes and Culverts | 10 feet, 20 feet each side |
| Detention Areas | 25 feet continuous around total area |

2. Easements will include the "top of the bank width" and the maintenance access width.
3. The maintenance access width begins at the point where the bank joins natural ground.
4. Additional maintenance access width may be required by the Planning Commission in special circumstances where more width on one or both sides is necessary for maintenance purposes.
5. Safety Features: Designs of detention facilities will incorporate safety features, particularly at outlets, on steep slopes, and at any attractive nuisances to include, as necessary, fencing, hand rails, lighting, steps, grills, signs, and other protective or warning devices so as to restrict access during critical periods and to afford some measures of safety to both authorized and unauthorized persons.

Section 24.06. Maintenance Responsibilities for Stormwater Management Facilities

- A. Purpose
The purpose of this section is to establish maintenance standards to ensure that after stormwater management facilities have been properly designed and constructed, they continue to function properly. Continued proper functioning is highly dependent upon the proper maintenance.
- B. Design Facilities
Maintenance costs over a period of years will generally surpass the costs of initially constructing water management facilities. The Applicant should utilize all appropriate methods, approaches and techniques to design and construct these facilities in such a manner that fulfills the requirements of these regulations, facilitates their inspection, and minimizes future maintenance costs.
- C. Maintenance Responsibilities
The growth of obnoxious weeds, the creation of conditions which support the growth of mosquitoes and other insects, and the decrease in available storage by accumulated sediments shall be controlled. The cleanup of accumulated debris, flotsam and other materials after runoff events have subsided shall be assured. Unless otherwise stated and approved by Planning Commission, the developer shall be responsible for the maintenance of Stormwater Management Facilities.

Section 24.07. Revegetation: Erosion Control Requirements

- A. General Guidelines: To minimize erosion and sedimentation and the pollution of air and water in areas that are being developed for residential, industrial, commercial, recreational, transportation, and institutional uses, practical combinations, of the following guidelines will be effective:

1. The development plan should be fitted to the soils and topography so as to create the least erosion potential.
 2. Where feasible during construction, natural vegetation should be retained and protected. Where adequate vegetation exists, temporary or permanent vegetation should be established.
 3. Where land must be stripped of vegetation during construction, limit the exposed area to the smallest practical size at any one time.
 4. Limit the duration of exposure to the shortest practical time.
 5. Critical areas exposed during construction should be protected with temporary vegetation and/or mulching.
 6. Permanent vegetation and improvements such as streets, storm sewers or other features of the development, capable of carrying storm runoff in a safe manner, should be installed as early as possible.
 7. Provisions should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
 8. Sediment basins to remove suspended soil particles from runoff waters from land undergoing development should be constructed and maintained wherever erosive conditions indicate they are needed to prevent off-damages.
 9. Diversions, grassed waterways, grade stabilization structures, and similar mechanical control measures required by the site should be installed as early in the development of the area as possible.
 10. Earth cut and fill slopes of 3:1 or flatter are desirable for erosion control and maintenance. The slopes shall not be steeper than 2 horizontal to 1 vertical unless stabilized by structural measures. (Ex. retaining walls, cribbing, etc.)
- B. Erosion control measures which may be used singularly or in combination are shown below together with brief statements of their site adaptation or limitations.
1. Vegetative Protection:
Suitable for all soils capable of supporting plant growth. Vegetation alone will not provide adequate protection on soils that are unstable because of their structure, texture, internal water movement, or excessively steep slopes.

Vegetation protection is divided into:
 - a. Short term seeding to protect areas for 12 months or less.
 - b. Permanent seeding and sodding for areas to be protected longer than one year.
 2. Mulching:
To be used with all seedings on disturbed soil areas for temporary use without seeding during months unfavorable for seeding.
 3. Grassed Water Way:
This type of control is a vegetatively lined channel designed to carry concentrated storm water. Such runoff may be flow which has collected in natural depressions or from diversions, or from other site features. Grassed waterways should not be used for long duration base flows.

4. **Diversions:**
A diversion consists of a channel or a channel with supporting ridge constructed across a sloping land surface on the contour or with predetermined grades to intercept and divert surface runoff before it gains sufficient volume or velocity to create harmful erosion. It should have a capacity to carry storm runoff and may or may not have a vegetative lining, depending upon the velocities anticipated and the soil materials in the channel. Flow from a diversion must be discharged into a protected area or a grassed waterway.
5. **Grade Stabilization Structures:**
These structures are used to reduce grade or dissipate the energy of flowing water by dropping it in a relatively short horizontal distance. By using these, the grades and velocities in grassed waterways or bare channels can be reduced to non-eroding limits. This measure includes drop structures made of concrete, corrugated metal pipe, and other suitable materials.
6. **Debris Basins:**
These basins consist of an earth fill type dam and spillway in a drainageway downstream from construction area for the purpose of trapping sediment and debris. The basin must have an adequate capacity for all sediment or arrangements made to remove it mechanically as the basin becomes filled. The whole structure may be removed after the construction area has become stable or may be retained to enhance the area.
7. **Land Grading:**
Re-shaping the ground surface by grading to planned grades and conformation that will be conducive to preventing excessive erosion.
8. **Drain:**
This measure controls erosion by reducing the surface runoff, or lowering a high water table, through underground conduits or filter drains.
9. **Sediment Control Measure - Dike:**
A temporary means of trapping and storing sediment from eroding areas under construction in order to protect properties or stream channels below the installation from damage by excessive sedimentation and debris.
10. **Urban Stream Bank Protection:**
The control of bank erosion in stream channels can be accomplished in various ways. Methods commonly used in urban areas include concrete, sod, riprap, gabions, and flexible fabric forms filled with mortar. The purpose of bank control measures is to install a barrier that will withstand the erosion forces exerted by flowing water.
11. **Retention Basins:**
These basins consist of earth fill type dike, or dam and spillway usually located near the downstream limits of the drainage basin. The basin must have adequate capacity to retain the excess runoff for the entire basin for the design storm used to compute runoff quantities. The drainage structures include an adequately sized outlet pipe and an emergency overflow spillway properly designed with adequate erosion controls.

Table I
SUMMARY OF STANDARDS

| <u>Standard:</u> | <u>Sites Applicable</u> | <u>Dates Applicable For Seeding</u> |
|------------------|-------------------------|---|
|------------------|-------------------------|---|

| | | |
|---|---|---|
| No.1 Permanent Cover Ky. 31 Fescue Seeding | Cuts, Fills, waterways, and bare areas | Feb.15 thru Apr.14 /Aug.15 thru Nov.14 |
| No.2 Permanent Cover Bermudagrass and Annual Lespedeza Seeding | Cuts, fills, rights- of-way and bare areas | Apr.15 to Jul.14 |
| No.3 Permanent Cover Ky. 31 Fescue: Ky.31 Fescue, Bermuda- grass and Bluegrass | Channels and waterways that carry large volumes of water, steep cut and fill slopes and other critical areas | anytime weather permits Sodding |
| Bermudagrass: Bluegrass: | | Apr.15 thru Aug.14 Mar.1 thru Apr.30; Sept.1 thru Nov. 14 |
| No.4 Permanent Cover Ky.31 Fescue Seeding | Lawns,parks,swales retention basins and other open areas where final land grading has been completed | Feb. 15 thru Apr. 14 /Jul. 15 thru Nov. 14 |
| No. 5 Temporary Cover Annual Ryegrass | Bare areas where final land grading has not been completed; the period of exposure will be less than one year | Feb. 15 thru Apr. 14 /Aug. 1 thru Oct. 31 |
| No.6 Temporary Cover Mulch only | Cuts, fills, rights- of-way and bare areas where permanent cover is needed but seeding dates are not current | Jul. 15 thru Aug. 14 /Nov. 16 thru Feb. 14 |
| No.7 Grade Stabilization Structures; Urban Areas | Where the capability of earth and vegetation measures is exceeded in the safe handling of water at permissible velocities where excessive grades or overfall conditions are encountered or where water is to be lowered structurally from one elevation to another | Not applicable |
| No.8 Diversions: Urban Areas | Where runoff from higher areas is damaging property, causing erosion, contributing to pollution; or preventing the establishment of vegetation on lower areas | Not applicable |
| No.9 Grassed Waterways or Outlet: Urban Areas | All sites where added capacity or vegetation protection, or both, area required to control | Not applicable |

| | | |
|--|--|----------------|
| | erosion resulting from concentrated runoff | |
| No.10 Use of Fibrous Netting Material for Erosion Control: Urban Areas | Critical areas subject to water erosion where heavy fiber matting will provide protection to bare soil and to slopes steeper than 3:1 where netting is needed to hold straw in place | Not applicable |
| No.11 Land Grading: Urban Areas | Where grading to planned elevations is practical for building sites, facilities and other land uses, to improve surface drainage; and control erosion | Not applicable |
| No.12 Drain: Urban Areas | Areas having a high water table where benefits of lowering or controlling groundwater or surface runoff justify the installation of such a system | Not Applicable |
| No.13 Debris Basin Retention Basin: Urban Areas | Where physical conditions or land ownership preclude the treatment of the sediment by installation of a barrier or dam for erosion control measures to reduce runoff and erosion | Not applicable |
| No.14 Sediment Control Measure: Dike | Where physical conditions during construction preclude the treatment of the sediment source by the installation of erosion control measures to reduce runoff and erosion. Dike will be removed and the area vegetated upon completion of construction. | Not applicable |
| No. 15 Urban Stream Bank Protection | Natural or excavated channels where the stream-beds are subject to erosion from the action of water, ice or debris | Not applicable |
| No. 16 Urban Gutter Drain - Sediment Barrier | Where temporary sediment barriers must be installed to protect the storm drain system until the sediment producing area is stabilized | Not applicable |

Table II
DETAILED SPECIFICATIONS

STANDARD AND SPECIFICATIONS NO. 1
PERMANENT COVER - KY. 31 FESCUE SEEDING

Definition: The planting of permanent vegetation on urban areas subject to erosion.

Purpose: To stabilize the soil; reduce damage from sediment and runoff to downstream areas, and enhance natural beauty.

Sites Where Applicable: Cuts, fills, rights-of-ways and bare areas where seeding will be done during the periods of February 15 thru April 14, or Aug. 15 thru Nov. 14.

Method of Establishment:

- Install needed water control
- Evenly apply 150 pounds of agricultural limestone per 1,000 sq.ft. (approximately 3 tons per acre).
- Apply 12 pounds of 12-24-24 analysis fertilizer or equivalent per 1,000 sq.ft. (approximately 500 pounds per acre).
- Evenly seed one pound of Ky. 31 fescue per 1,000 sq. ft. (approximately 45 pounds per acre).
- The lime, fertilizer and seed may be applied separately by hand, or with mechanical equipment, or they may be applied simultaneously by using a hydraulic seeder.
- Uniformly spread 100 pounds of dry straw per 1,000 sq.ft. (approximately 2 tons per acre) immediately after seeding. Straw should be free of undesirable weeds.
- Anchor straw with 5 gallons of AE-3 or AE-P emulsified asphalt per 1,000 sq.ft. (approximately 200 gallons per acre). Both straw and asphalt may be applied simultaneously with a mulch spreading machine equipped with an asphalt applicator. If applied separately, spray straw with the asphalt immediately following straw application.

STANDARD AND SPECIFICATIONS NO. 2
PERMANENT COVER - BERMUDAGRASS AND ANNUAL LESPEDEZA SEEDING

Definition: The planting of permanent vegetation on urban areas subject to erosion.

Purpose: To stabilize soil; reduce damage from sediment and runoff to downstream areas; and enhance natural beauty.

Sites Where Applicable: Cuts, fills, rights-of-way and bare areas where seeding will be done during the period of April 14 thru July 14.

Method of Establishment:

- Install needed water control measures
- Evenly apply 150 pounds of agricultural limestone per 1,000 sq. ft. (approximately three tons per acre).
- Apply 12 pounds of 12-24-24 analysis fertilizer or equivalent per 1,000 sq.ft. (approximately 500 pounds per acre).
- Evenly seed five ounces of hulled bermudagrass per 1,000 sq.ft. (approximately 14 pounds per acre) three ounces of Kobe Lespedeza per 1,000 sq.ft. (approximately eight pounds per acre).
- The lime, fertilizer and seed may be applied separately by hand, or with mechanical equipment, or they may be applied simultaneously using a hydraulic seeder.
- Uniformly spread 100 pounds of dry straw per 1,000 sq. ft. (approximately two tons per acre) immediately after seeding. Straw should be free undesirable weeds.

- Anchor straw with five gallons of S.S. - 1 emulsified asphalt per 1,000 sq.ft. (approximately 200 gallons per acre). Both straw and asphalt may be applied simultaneously with a mulch spreading machine equipped with an asphalt applicator. If applied separately, spray straw with the asphalt immediately following straw application.

STANDARD SPECIFICATIONS NO. 3
PERMANENT COVER - KY 31 FESCUE, BERMUDAGRASS, AND BLUEGRASS SODDING

Definition: The placing of solid cover of grass turf to provide permanent cover on urban areas.

Purpose: To stabilize the soil; reduce damage from sediment and runoff to downstream areas; and enhance natural beauty.

Sites Where Applicable: Channels that carry large volumes of water, steep cut and fill slopes and other critical areas where immediate cover is required to control erosion and sediment damage.

Sodding Dates:

- Kentucky 31 Fescue - Anytime weather permits
- Bermudagrass - April 14 thru August 14
- Bluegrass-March 1 thru April 30; September 1 thru November 14

Method of Establishment:

- Cover all dense clay excavated areas with a minimum of four inches of topsoil.
- Evenly apply 150 pounds of agricultural limestone and 25 pounds of 10-10-10 analysis fertilizer per 1,000 sq.ft. immediately prior to sodding.
- Where possible, harrow or disk lime and fertilizer into the soil to a depth of three or four inches.
- Use sod that is free of weeds and weedy grasses. Sod should be of uniform thickness with a one and one-half inch layer of soil. Root mat of sod should be dense enough so that a strip three feet long and one and one-half feet wide will support its own weight. Use only moist, fresh sod. Install within a period of 36 hours after sod has been lifted.
- Sod strips should be laid across the slope (never up and down) starting at bottom of slope and working up. If sod is placed during hot weather, lightly water the soil immediately prior to laying the sod. Place sod strips so that joints are snug and even. Stagger joints. Make sure there are no holes left between pieces of sod that would cause air-drying of the roots. Roll or tamp sod immediately following placement to solidify contact with the soil.
- On steep slopes and outlet channels secure sod to surface with wire staples or wood pegs. Where surface water cannot be diverted from flowing over the face of slopes, install a strip of heavy jute or plastic netting and fasten tight along the crown or top of the slope for extra protection against lifting and undercutting of sod. Use this same technique to hold sod at head of channels and on other critical areas.
- Immediately after placing, tamping and anchoring sod, apply water until the soil layer beneath sod is thoroughly wet. Continue to water as needed to maintain a moist soil condition for a period of two weeks. Afterwards, irrigate sodded area when unfavorable weather conditions exist during the first season.

STANDARD AND SPECIFICATIONS NO. 4
PERMANENT COVER - KENTUCKY 31 FESCUE SEEDING

Definition: The planting of permanent vegetation on urban areas subject to erosion.

Purpose: To stabilize the soil; reduce damage from sediment and runoff to downstream areas, and enhance natural beauty.

Sites Where Applicable: Lawns, parks, swales, retention basins, and other open areas where final land grading has been completed, and seeding will be done during the periods of Feb. 15 thru April 14, or July 15 thru Nov. 14.

Method of Establishment:

- Install needed water control measures.
- Evenly apply 150 pounds of agricultural limestone per 1,000 sq. ft. (approximately three tons per acre). Apply twelve pounds of 12-24-24 analysis fertilizer or equivalent per 1,000 sq.ft. (approximately 500 pounds per acre).
- Evenly seed four pounds of Ky 31 fescue per 1,000 sq. ft. (approximately 180 pounds per acre).
- The lime, fertilizer and seed may be applied separately by hand, or with mechanical equipment, or they may be applied simultaneously by using a hydraulic seeder.
- Uniformly spread 100 pounds of dry straw per 1,000 sq.ft. (approximately two tons per acre) immediately after seeding.
- Thoroughly wet straw after application unless a mulch anchoring material is used.

**STANDARD AND SPECIFICATIONS NO. 5 TEMPORARY
COVER - ANNUAL RYEGRASS**

Definition: Establishing annual grasses on urban areas subject to erosion.

Purpose: To provide short term cover for the control of rapid runoff and erosion until permanent vegetation or other stabilization measures can be installed.

Sites Where Applicable: Bare areas where final land grading has not been completed; the period of exposure will be less than one year, and seeding will be done during the periods of February 15 thru April 14, or August 1 thru October 31.

Method of Establishment:

- Install needed water control measures.
- Evenly apply 150 pounds of agricultural limestone per 1,000 sq. ft. (approximately three tons per acre).
- Apply seven pounds of 12-24-24 analysis fertilizer or equivalent per 1,000 sq. ft. (approximately 300 pounds per acre).
- Evenly seed one pound of annual ryegrass per 1,000 sq. ft. (approximately 45 pounds per acre).
- The lime fertilizer and seed may be applied separately by hand, or with mechanical equipment, or they may be applied simultaneously by using a hydraulic seeder.
- Uniformly spread 100 pounds of dry straw per 1,000 sq.ft. (approximately two tons per acre) immediately after seeding. Straw should be free of undesirable weeds.
- Anchor straw with five gallons of S.S. - 1 emulsified asphalt per 1,000 sq. ft. (approximately 200 gallons per acre). Both straw and asphalt may be applied simultaneously with a mulch spreading machine equipped with an asphalt applicator. If applied separately, spray straw with the asphalt immediately following straw application.

**STANDARD AND SPECIFICATIONS NO. 6
TEMPORARY COVER - MULCH ONLY**

Definition: Applying plant residues or other suitable materials not produced on the site to the soil surface.

Purpose: To reduce runoff and erosion; prevent surface compaction or crusting; conserve moisture; control weeds; and help establish plant cover.

Sites Where Applicable: Cuts, fills, rights-of-way and bare areas where permanent cover is needed but seeding dates are not current: July 15-Aug. 14, and Nov. 16-Feb. 14.

Method of Establishment:

- Install needed water control measures.

- Uniformly spread 100 pounds of dry straw, free of undesirable weeds, per 1,000 sq.ft. (approximately two tons per acre).
- Anchor straw with five gallons of S.S. - 1 emulsified asphalt per 1,000 sq.ft. (approximately 200 gallons per acre). Both straw and asphalt may be applied simultaneously with mulch spreading equipment with an asphalt applicator. If applied separately, spray straw with the asphalt immediately following straw application.

ARTICLE XXV. Sexually Oriented Adult Businesses

(Adopted by the Rutherford County Board of Commissioners on October 17, 1996)

Section 25.01. Regulation of Sexually Oriented Adult Businesses

Purpose. In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. Uses subject to these controls are as follows:

- Adults-only bookstores
- Adult cabaret
- Adult entertainment centers
- Adults-only motion picture theaters
- Adult motel
- Massage parlors
- Rap parlors
- Saunas

Section 25.02. Definitions

Whenever used in this Zoning Resolution, the following words or phrases shall have the meanings ascribed to them.

A. *Adults-only bookstore:*

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matter depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.

B. *Adult Cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. persons who appear in a state of nudity; or
2. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities" or
3. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"

C. *Adult entertainment center:*

An enclosed building or part of an enclosed building, no portion of which enclosed building is licensed to sell liquor, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals, or the charging of any admission or fee for the viewing of such activity.

D. *Adults-only motion picture theaters.*

An enclosed building used for presenting films, distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Anatomical Area” for observation by patrons therein.

- E. *Adult motel* means a hotel, motel or similar commercial establishment which:
1. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”, and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 2. offers a sleeping room for rent for a period of time that is less than 10 hours; or
 3. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.
- F. *Massage parlor*:
An establishment or place primarily in the business of providing massage services where the purpose of the massage is for the sexual gratification of the one receiving the massage or involves contact of a sexual nature.
- G. *Nudity*:
The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
- H. *Rap parlor*:
An establishment or place primarily in the business of providing nonprofessional conversation or similar services for adults.
- I. *Sauna*:
An establishment or place primarily in the business of providing (i) steam bath, and (ii) massage services.
- J. *Sexual conduct*:
Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person’s unclothed genitals, pubic area, buttocks or, if such person be a female, her breast.
- K. *Sexual excitement*:
The condition of human male or female genitals when in a state of sexual stimulation or arousal.
- L. *Sadomasochistic abuse*
Flagellation or torture by or upon a person unclad or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- M. *“Specified Sexual Activities” or “Anatomical Areas” for the purpose of this Ordinance are defined as follows*:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast. And "Specified Anatomical Areas" as defined:
 - a. Less than completely and opaquely covered;
(i) human genitals, pubic region, (ii) buttock, and (iii) female breast below a point immediately above the top of the areola;
and
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Section 25.03. Location restrictions

- A. Adults-only bookstores, adult cabarets, adults-only motion picture theaters, adult entertainment centers, adult-motels, massage parlors, rap parlors and saunas. No adults-only bookstore, adult cabaret, adults-only motion picture theater, adult entertainment center, adult-motel, massage parlor, rap parlor or sauna shall be operated or maintained except within the Industrial District (I).
- B. All regulated uses.
No adults-only bookstore, adult cabaret, adults-only motion picture theater, adult entertainment center, adult-motel, massage parlor, rap parlor or sauna shall be operated or maintained within two thousand (2,000) feet of a residentially zoned district, the property line of a lot devoted to residential use, a church, a state-licensed day care facility, public library, or private public educational facilities which serve persons age seventeen (17) or younger, an elementary school, a high school, funeral parlor/home, a public park, a business licensed or permitted to sell beer or intoxicating liquors as defined in (*insert regulations that the beer board operates under*) or another adults-only bookstore, adult cabaret, adult entertainment center, adults-only motion picture theater, adult motel, massage parlor, rap parlor, or sauna.

Section 25.04. Measurement.

The distance limitations in subsection 25.03 B. shall be measured in a straight line from and to the nearest lot lines of said premises.

ARTICLE XXVI. Corridor Overlay District

(Adopted by the Rutherford County Board of Commissioners on March 13, 1997)

Section 26.01. Purpose and Intent

The purpose of a corridor overlay district (COD) is to allow for the application and implementation of standards within areas specifically recommended by the Rutherford County Regional Planning Commission and designated by the Rutherford County Board of Commissioners. Designation of said corridors shall consider sensitivity to both the pedestrian and vehicular environments and provide for the sensitive placement of facilities along designated corridors. Application of standards for a COD may vary for each designated corridor.

Section 26.02. Overlay Designation

The Rutherford County Regional Planning Commission shall recommend corridors to be designated. The designating authority for the corridor overlay district shall be the Rutherford County Board of Commissioners. A COD shall be depicted as a geographical area on the official zoning map.

Section 26.03. Development Incentives

To promote the inclusion of properties within the COD for the purposes of achieving specified objectives, the enacting designation may establish development incentives. The form and scope of such incentives shall be commensurate with the goals and objectives established by the Rutherford County Regional Planning Commission for each designated corridor.

Section 26.04. Public Meeting and Notice

To insure that all affected property owners have an opportunity for input in the designation process of a corridor overlay zone, the Planning Commission prior to the meeting at which a corridor overlay designation will be considered for recommendation to the County Commission shall hold a Public Meeting in the general vicinity of the proposed Corridor. The purpose of said meeting shall be to obtain public input and opinions on the proposed corridor overlay. All property owners within the affected corridor shall receive written notice of all meetings related to the consideration of the Corridor Overlay District ten (10) days prior to said meetings.

Chart 1 – Vision Triangle Diagrams

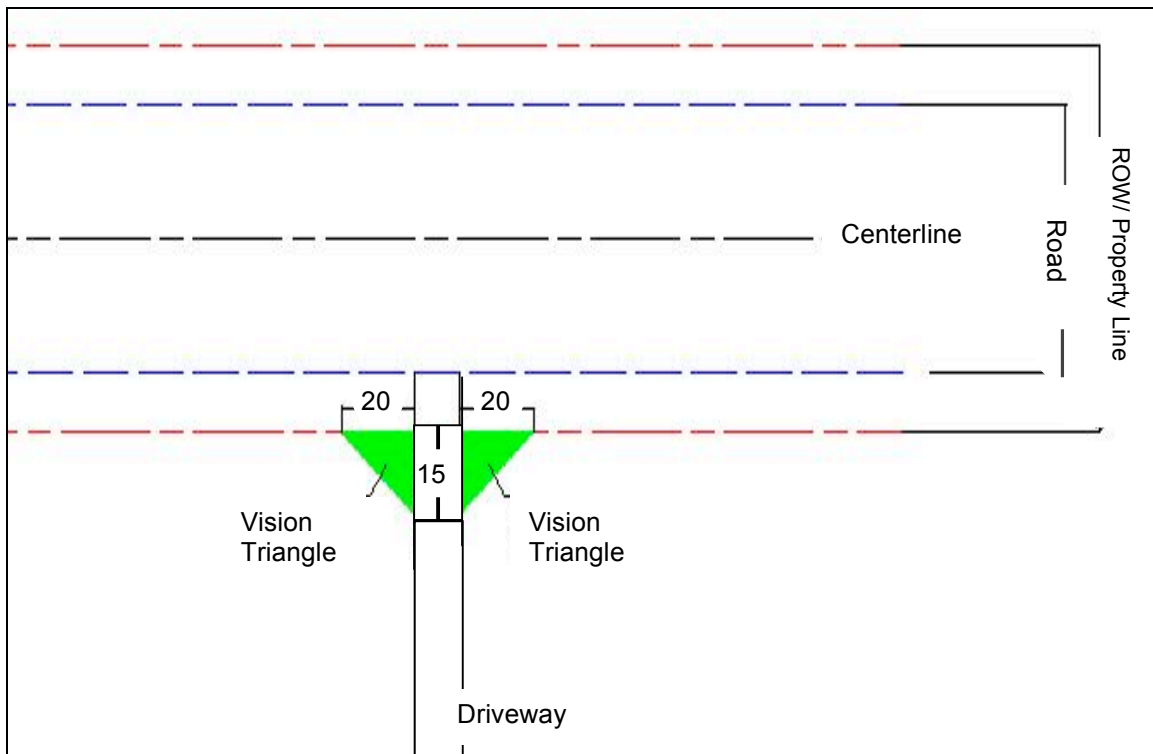
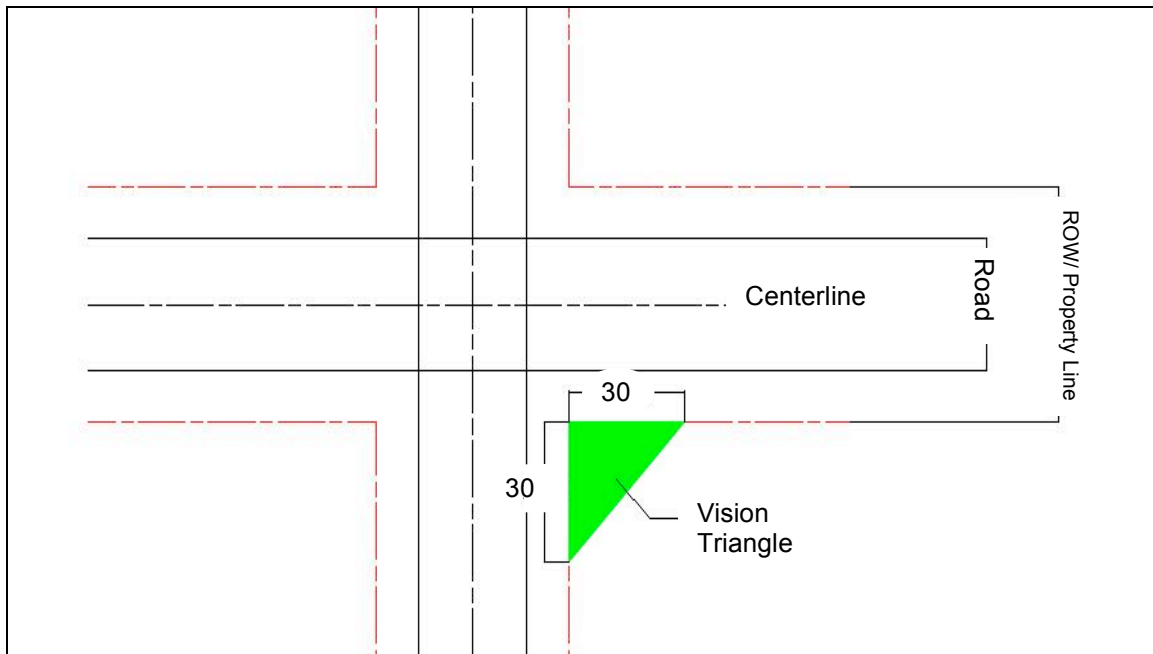


Chart 2

| Districts ^{1,2,4} | Minimum Lot Requirements: Area in Square Feet | Width ⁵ (feet) | Minimum Yard-Setbacks Requirements ³ | | |
|--|--|------------------------------|---|-----|-----|
| R-100 District | | | | | |
| * Single Family, detached | 100,000 | 200 | 50f | 25s | 50r |
| * MH | 5 acres | 200 | 50f | 25s | 50r |
| * Type “A” MH | 100,000 | 200 | 50f | 25s | 50r |
| R-40 District (District Added October 11, 2001) | | | | | |
| * Single Family, detached | 40,000 | 75 | 50f | 25s | 50r |
| * Type “A” MH | 40,000 | 75 | 50f | 25s | 50r |
| * MH | 5 acres | 75 | 50f | 25s | 50r |
| * Other Uses | 1 acre | 125 | 50f | 25s | 50r |
| R-20 District (District Added October 11, 2001) | | | | | |
| * Single Family, detached | 20,000 | 75 | 40f | 10s | 20r |
| * Type “A” MH | 20,000 | 75 | 40f | 10s | 20r |
| * MH | 5 acres | 75 | 40f | 20s | 20r |
| * Other Uses | 1 acre | 125 | 50f | 25s | 50r |
| R-15 District | | | | | |
| * Single Family, detached | 15,000 | 75 | 40f | 10s | 20r |
| * Type “A” MH | 15,000 | 75 | 40f | 10s | 20r |
| * MH | 5 acres | 75 | 40f | 20s | 20r |
| * Other Uses | 1 acre | 125 | 50f | 25s | 50r |
| R-10 District | | | | | |
| * Single Family, detached | 10,000 | 65 | 40f | 10s | 20r |
| * Type “A” MH | 10,000 | 65 | 40f | 10s | 20r |
| * MH | 5 acres | 65 | 40f | 10s | 20r |
| * Other Uses | 1 acre | 125 | 50f | 25s | 50r |
| R-8 District | | | | | |
| * Single Family, detached | 8,000 | 60 | 30f | 10s | 20r |
| * Type “A” MH | 8,000 | 60 | 30f | 10s | 20r |
| * MH | 5 acres | 60 | 30f | 10s | 20r |
| * Other Uses | 1 acre | 125 | 50f | 25s | 50r |
| Residential Duplex District | | | | | |
| * Duplex (Two Family) | 20,000 | 75 | 30f | 10s | 20r |
| * Single Family, detached | 6,000 | 60 | 30f | 10s | 20r |
| * Type “A” MH | 6,000 | 60 | 30f | 10s | 20r |
| * MH | 5 acres | 50 | 30f | 10s | 20r |
| * Other Uses | 1 acre | 100 | 50f | 10s | 50r |
| R-MF (Multi Family) District | | | | | |
| * Single Family | 6,000 | 50 | 30f | 10s | 20r |
| * Multi Family | 4,000 | 100 | 30f | 25s | 50r |
| * Type “A” MH | 6,000 | 50 | 30f | 10s | 20r |
| (maximum density allowed is 10 units per acre) | | | | | |

(maximum density allowed is 10 units per acre)

Commercial Districts

| | | | | | |
|------------|------|------|-----|-----|-----|
| * All Uses | None | None | 70f | 10s | 20r |
|------------|------|------|-----|-----|-----|

C-3 District

| | | | | | |
|------------|---------|------|-----|-----|-----|
| * All Uses | 5 acres | None | 70f | 50s | 50r |
|------------|---------|------|-----|-----|-----|

Industrial Districts

| | | | | | |
|------------|------|----|-----|-----|-----|
| * All Uses | None | 60 | 75f | 30s | 50r |
|------------|------|----|-----|-----|-----|

I-3 District*

| | | | | | |
|------------|----------|----|-------|------|------|
| * All Uses | 20 acres | 60 | 1000f | 300s | 300r |
|------------|----------|----|-------|------|------|

* See Article VII

I-4 District*

| | | | | | |
|------------|----------|----|------|------|------|
| * All Uses | 20 acres | 60 | 300f | 100s | 100r |
|------------|----------|----|------|------|------|

* See Article VII

Note: Maximum height in all districts is 35 feet, unless otherwise indicated. The following accessory structures are exempt from the maximum height requirement: Steeples, Chimneys; Silos; Flagpoles; Belfries; Stacks, Storage Towers; Observation Towers; Monuments; Cupolas; Cones; Spires; Standpipes; and other necessary mechanical appurtenances and their protective housing.

Footnotes: Chart 2

1. Single Family dwellings attached or detached with one side yard shall comply with the following requirements, if applicable:
 - a. If the units are attached, they shall be attached with only one other unit.
 - b. Attached units must contain a fire wall from the footing to the peak of the roof of not less than two hours fire rating between two units. Said fire wall must be bisected by a line dividing each portion of the lot so that one-half of the fire wall is on each portion of the lot. If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it if the owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof.
 - c. Either partition owner shall have an easement of the property of the other for the proposed reconstruction or maintenance.
 - d. The lot adjacent to the zero side yard set back must be held under the same ownership at the time of initial construction.
 - e. No zero side yard shall be adjacent to any public or private right-of-way.
 - f. Each unit shall be served by separate utility connections.
 - g. Single family detached units with a zero side yard shall have at least one side yard of not less than ten feet, provided with a three foot maintenance easement from the adjoining lot on the zero side yard lines that shall remain free and clear from any obstruction from the front property line to the back wall of the main building, and the wall constructed at the zero side yard is solid with no windows or openings for the first story of the dwelling.
 - h. Single-family attached units shall submit a final as built subdivision plat.
2. The side yard requirements shall apply to only one side of the first and last attached house in each set of attached houses. Each single family dwelling attached, detached with zero side yard shall have one (1) ten (10) foot side yard.
3. A corner lot used for single family purposes shall have two front yards and two side yards (no rear yard). Front yard setbacks shall be measured from the property line. Front yard setbacks for platted subdivision shall conform to the setbacks shown on the approved plat and be no less than forty (40) feet. (Editor's Note: If a double frontage lot has a no access easement, as established by a subdivision plat recorded by the Rutherford County Register, then that yard adjacent to the street affording no access shall have a twenty (20) foot front yard setback.) (Amended April 12, 2001)
4. Not more than three contiguous townhouses shall be built in a row with the same or approximately the same front line, and not more than eight townhouses shall be contiguous. Footnotes 1d,c,d,e, and f shall apply to townhouses as well.
5. Lot width may be reduced to forty five (45) feet for lot fronting on cul-de-sacs and lots that are five (5) acres or greater. The requirement may also be reduced where a more effective utilization of the property can be achieved by incorporating flag lots. However, flag lots may not comprise more than twenty percent (20%) of lots in a proposed subdivision and in no case shall widths be reduced to less than forty-five (45) feet (Amended April 11, 2002.)

CHART 3

REQUIRED PARKING AND QUEUING SPACES BY USE

DWELLINGS:

Single family, detached and attached; townhouses, two-family dwellings and accessory dwelling units.

1. One (1) for each dwelling unit with two (2) or less bedrooms.
2. Two (2) for each dwelling unit with more than two (2) bedrooms.

MULTIPLE FAMILY DWELLING

1. One (1) for each dwelling unit with One (1) or less bedrooms.

OTHER HOUSING

1. Boarding house One (1) for each sleeping room
2. Home for the elderly two (2) for each three (3) beds or three (3) spaces, whichever is greater
3. Mobile home two (2) for each dwelling unit
4. Sororities and fraternities one (1) for each two (2) beds or three (3) spaces, whichever is greater
5. Transitional home one (1) for each three (3) beds or three (3) spaces, whichever is greater

INSTITUTIONAL USES:

1. Churches One (1) for each ten (10) seats in the auditorium or sanctuary
2. Day care centers one (1) for each three hundred (300) square feet of floor area. or five (5) spaces whichever is greater plus one-in-a-half (1 ½) for every two (2) employees employed on the largest shift
3. Family or group day care home one-in-a-half (1 ½) for each two (2) employees employed on the largest shift plus two (2).
4. Hospital one-in-a-half (1 ½) for each bed
5. Lodge, club and county club
 - a. With golf course one hundred (100) per each nine (9) holes in the golf course
 - b. With golf course and swimming pool one hundred twenty (120) per each nine (9) holes in the golf course
 - c. Swimming pool only one (1) for each sixty (60) square feet of water area in the pool
 - d. Tennis and/or racquetball courts only three (3) for each court
 - e. With swimming pool and tennis and/or racquetball courts one (1) for each sixty (60) square feet of water area in the pool plus two (2) for each court

- f. Lodge or club with none of the above facilities one (1) for each one hundred (100) square feet of floor area. in the largest area of public assembly in the building
- 6. Museum one (1) for each three hundred (300) square feet floor area plus one (1) for each business vehicle
- 7. Philanthropic institution one (1) for each three hundred (300) square feet floor area plus two (2) for each three (3) beds
- 8. Nursing home one (1) for each two (2) beds plus two (2) for visiting physicians plus 1 for each business vehicle
- 9. Public building one (1) for each three hundred (300) square feet of floor area plus one (1) for each public vehicle
- 10. Recreational field ten (10) for every acre of land devoted to the field plus one (1) for every four (4) spectator seats
- 11. Schools, public or private
 - a. Kindergarten and nursery one (1) for each five (5) children
 - b. Grades 1 through 9, two (2) for each classroom or one (1) for each five (5) seats in the school's auditorium, whichever is greater
 - c. Grades 10 through 12, five (5) for each classroom or one (1) for each five (5) seats in the school's auditorium whichever is greater
 - d. College and university, eight (8) for each classroom or one (1) for three hundred (300) square feet of floor area of each university or college building, whichever is greater

COMMERCIAL:

- 1. Amusements, commercial indoor one (1) for each one hundred (100) square feet of floor area plus one (1) for each four (4) seats or seven (7) spaces, whichever is greater
- 2. Amusements, commercial outdoor five (5) for every hole for golf course including miniature golf, two (2) for every tee or target for golf driving or archery ranges, ten (10) for every acre of land included within a zoning lot of the premises where a skateboard, motorbike, motorcycle course, water or aquatic slide, or amusement park is located
- 3. Art studio or gallery or photostudio one (1) for each five hundred (500) square feet of floor area. or five (5) spaces, whichever is greater
- 4. Automobile service station one (1) for each five hundred (500) square feet of floor area plus one (1) for each business vehicle and two (2) for each grease rack or indoor service stall
- 5. Bakery, retail one (1) for each five hundred (500) square feet of floor area or five (5) spaces, whichever is greater
- 6. Bank, without drive-in one (1) for each three hundred (300) square feet of floor area or five (5) spaces, whichever is greater
- 7. Bank, with drive in one (1) for each three hundred (300) square feet of floor area or five (5) spaces, whichever is greater, plus four (4) queue spaces for each drive-in teller or station, which queue spaces shall be provided in an exclusive queue lane with only one-way circulation which shall be separated from driveways leading to off-street parking spaces

8. Barber or beauty shop three (3) for every employee employed on the largest shift
9. Boat, rental, sale, storage or repair one (1) for each five hundred (500) square feet of floor area
10. Business school eight (8) for each classroom located within such school
11. Campground or travel trailer park one (1) for each campsite or travel trailer space or pad
12. Catering establishment one (1) for each five hundred (500) square feet of floor area plus one (1) for each delivery vehicle
13. Cleaning establishment one (1) for each five hundred (500) square feet of floor area plus one (1) for each delivery vehicle or five (5) spaces, whichever is greater
14. Department or discount store one (1) for each four hundred (400) square feet of floor area plus one (1) for every business vehicle
15. Drive-in theater one-in-a-half (1 ½) for each two (2) employees on the largest shift
16. Financial services with or without drive-in one (1) for each three hundred (300) square feet of floor area or five (5) spaces, whichever is greater plus four (4) queue spaces for each drive-in teller or station
17. Flower or plant store one (1) for each three hundred (300) square feet of floor area plus one (1) for each business vehicle or four (4) spaces, whichever is greater
18. Furniture store one (1) for each six hundred (600) square feet of floor area plus one (1) for each business vehicle or four (4) spaces, whichever is greater
19. Garage, commercial one-in-a-half (1 ½) for each two (2) employees employed on the largest shift
20. Gasoline sales one-in-a-half (1 ½) for each two (2) employees employed on the largest shift
21. General service and repair one (1) for each three hundred (300) square feet of floor area or five (5) spaces, whichever is greater
22. Greenhouse or nursery, commercial one (1) for each two (2) acres of land included within the zoning lot of the premises where the greenhouse or nursery is located or five (5) space, whichever is greater, plus one (1) for each business vehicle
23. Hotel or motel one (1) for each bedroom located on the premises
24. Lawn, tree, or garden service one-in-a-half (1 ½) for each two (2) employees employed on the largest shift plus one (1) for each business vehicle
25. Lumberyard one (1) for each five hundred (500) square feet of retail sales area plus one (1) for each 20,000 square feet of warehouse area plus one (1) for each 5,000 square feet of open storage area or five (5) spaces, whichever is greater
26. Medical or dental office or clinic three (3) for each doctor plus one (1) for each employee, excluding doctors, employed

27. Mobile home sales one (1) for each two (2) acres of land included within the zoning lot of the premises where the mobile home sales is located or spaces, whichever is greater, plus one (1) for each business vehicle
28. Motor vehicle sales or service two (2) for each indoor service stall provided on the premises or one (1) for each five hundred (500) square feet of floor area, whichever is greater
29. Music or dancing academy one (1) for each three hundred (300) square or five (5) spaces, whichever is greater
30. Office one (1) for each three hundred (300) square feet of floor area plus one (1) for each business vehicle
31. Pawn shop one (1) for each three hundred (300) square feet or five (5) spaces, whichever is greater
32. Personal service establishment one (1) for each three hundred (300) square feet of floor area
33. Plumbing shop one (1) for each five hundred (500) square feet of floor area plus one (1) for each business vehicle
34. Sheet metal shop one (1) for each five hundred (500) square feet of floor area plus one (1) for each business vehicle
35. Radio or television studio one (1) for each four hundred (400) square feet of floor area plus one (1) for each business vehicle
36. Restaurant, night club, tavern or cocktail lounge one (1) for each one hundred (100) square feet of floor area or one (1) for every two (2) seats provided on the premises; whichever is greater
37. Restaurant, carry-out one (1) for each one hundred (100) square feet of floor area or one (1) for every two (2) seats provided on the premises, whichever is greater, plus ten (10) queue spaces for each drive-in window, which queue spaces shall be provided between the street right-of-way and the point of placing orders in an exclusive queue lane with only one-way circulation which shall be separated from driveways leading to off-street parking spaces
38. Restaurant, drive-in one (1) for every one hundred (100) square feet of floor area or one (1) for every two (2) seats provided on the premises, whichever is greater
39. Retail shop one (1) for each three hundred (300) square feet of floor area or five (5) spaces, whichever is greater plus one (1) for each business vehicle
40. Undertaking establishment (1) for each one hundred (100) square feet of floor area
41. Used goods or second hand sales one (1) for each three hundred (300) square feet of floor area or five (5) spaces, whichever is greater, plus one (1) for each business vehicle
42. Vehicle wash one-in-a-half (1 ½) for each two (2) employees employed on the largest shift plus ten (10) queue spaces or five (5) queue spaces for each wash stall at a completely self-service facility

43. Warehouse one-in-a-half (1 ½) for each two (2) employees employed on the largest shift plus one (1) for each business vehicle
44. Wholesale display one (1) for each one thousand (1,000) square feet of floor area or five (5) spaces, whichever is greater

INDUSTRIAL:

1. Automotive dismantlers and recyclers, scrap metal processors, scrap processing yard and secondary material dealers one (1) for each one thousand (1,000) square feet of floor area or one (1) for each eight thousand (8,000) square feet of gross lot area, whichever is applicable
2. Contractor's yard or enclosed storage one-in-a-half (1 ½) for each two (2) employees employed on the largest shift plus one (1) for each business vehicle
3. Industrial Uses one-in-a-half (1 ½) for each two (2) employees employed on the largest shift plus one (1) for each business vehicle

TRANSPORTATION AND PUBLIC UTILITIES:

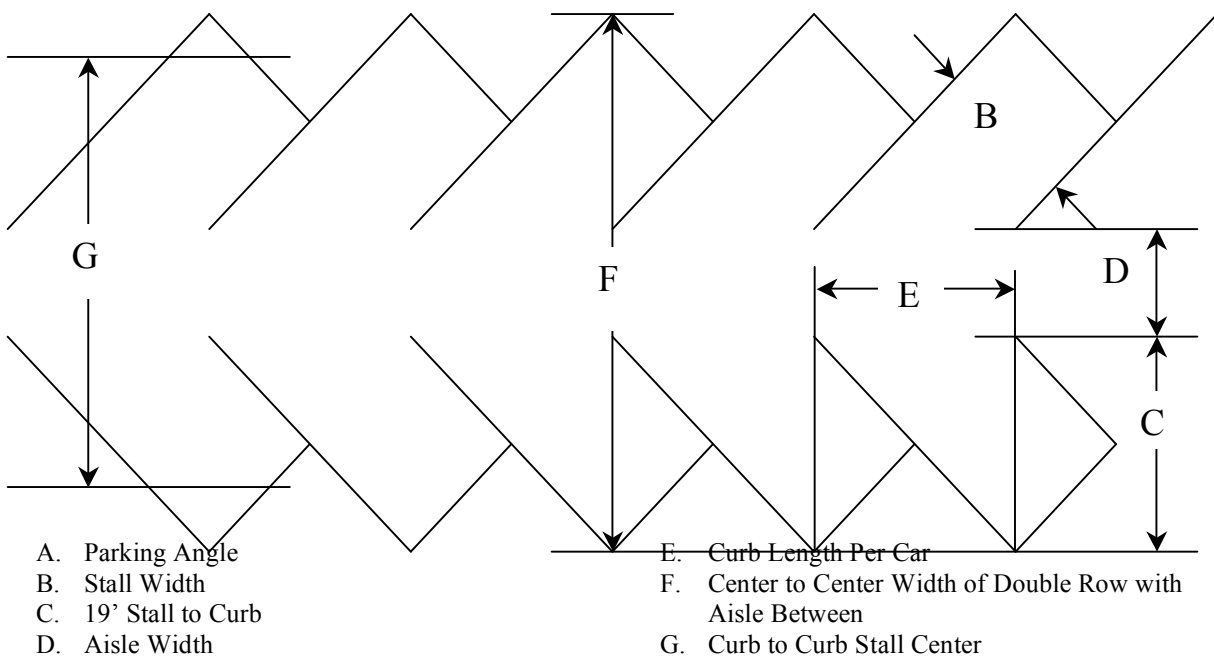
1. Airline terminal, freight, service facility, or bus terminal, service facility one (1) for every one hundred (100) square feet of waiting area or room space, plus one-in-a-half (1 ½) for each two (2) employees employed on the largest shift and 1 for each business vehicle
2. Telephone service center one (1) for each one thousand (1,000) square feet of floor area
3. All other transportation and public utilities uses one-in-a-half (1 ½) for each two (2) employees on the largest shift plus (1) for each business vehicle

OTHER:

1. Metal, sand, stone, gravel, clay, mining, and other related processing one-in-a-half (1 ½) for each two (2) employees employed on the largest shift plus one (1) for each business vehicle
2. Warehouse, self-service or mini-storage one (1) for each one thousand (1,000) square feet of floor area or five (5) spaces, whichever is greater
3. Post office or postal facility one (1) for each two hundred (200) square feet of floor area plus one (1) for each business vehicle
4. Wholesale establishment one-in-a-half (1 ½) for each two (2) employees employed the largest shift plus one (1) for each business vehicle

CHART 3—Parking Space and Aisle Design Requirements

| A | B | C | D | E | F | G |
|-----|-------|------|------|------|------|------|
| 0° | 3'5" | 9.0 | 11.0 | 23.0 | 30.0 | N/A |
| | 9'0" | 9.0 | 11.0 | 23.0 | 30.0 | N/A |
| 20° | 8'5" | 15.0 | 11.0 | 26.3 | 41.0 | 32.5 |
| | 9'0" | 15.0 | 11.0 | 26.3 | 41.0 | 32.5 |
| 30° | 8'5" | 16.9 | 11.0 | 17.0 | 44.8 | 37.5 |
| | 9'0" | 17.3 | 11.0 | 18.0 | 45.6 | 37.8 |
| 45° | 8'5" | 19.4 | 13.5 | 12.0 | 52.3 | 46.3 |
| | 9'0" | 19.8 | 13.0 | 12.7 | 52.5 | 46.5 |
| 60° | 8'5" | 20.7 | 18.5 | 9.8 | 59.9 | 56.0 |
| | 9'0" | 21.0 | 18.0 | 10.4 | 50.0 | 56.0 |
| 70° | 8'5" | 20.8 | 19.5 | 9.0 | 61.0 | 58.0 |
| | 9'0" | 21.0 | 19.0 | 9.6 | 61.0 | 57.9 |
| 80° | 8'5" | 20.2 | 22.0 | 8.6 | 62.4 | 60.9 |
| | 9'0" | 20.3 | 22.0 | 9.1 | 62.6 | 61.0 |
| 90° | 8'5" | 19.0 | 22.0 | 8.5 | 60.0 | 60.0 |
| | 9'0" | 19.0 | 22.0 | 9.0 | 60.0 | 60.0 |
| | 10'0" | 18.0 | 24.0 | 10.0 | 60.0 | 60.0 |



Appendix of Changes

The Following Articles, Sections, and/or Parts were changed or added on November 18, 1999:

Article I, Section 1.04, Part A
Article I, Section 1.04, Part D
Article I, Section 1.08, Added
Article II, Section 2.01, Part K, Added
Article II, Section 2.02, Various Definitions Added and Changed
Article IV, Section 4.03, Changed
Article V, Section 5.04, Part B, Changed
Article V, Section 5.05, Changed
Article VI, Section 6.01, Changed
Article VI, Section 6.04, Changed
Article VI, Section 6.06, Changed
Article VI, Section 6.08, Part C, Changed
Article VI, Section 6.09, Changes and additions
Article VI, Section 6.10, Changed
Article VI, Section 6.13, Part C, Changed
Article VI, Section 6.16, Changed
Article VII, Section 7.00, Changed
Article VII, Section 7.03, Changed
Article VII, Section 7.04, Added
Article VII, Section 7.05, Added
Article IX: Special Exceptions: DELETED
(With the deletion of Article IX all Articles moved up one)
Article XI, Section 11.09, Part C,
Article XIII, Section 13.00, Changed
Article XIII, Section 13.01, Changed
Article XIII, Section 13.04, Part B, Changed
Article XIII, Section 13.04, Part C, Changed
Article XIII, Section 13.04, Part D, Changed
Article XIII, Section 13.07, Added
Article XV: Districts Number References Changed To Reflect New Articles
Article XIX, Section 19.01, Part B, Changed
Article XX, Section 20.00, Change and additions
Article XX, Section 20.01, Changed
Article XX, Section 20.02, Changed
Article XX, Section 20.03, Changed
Article XX, Section 20.04, Changed
Article XX, Section 20.05, Changed
Article XX, Section 20.06, Changed
Article XX, Section 20.07, Added
Article XX, Section 20.08, Added
Article XX, Section 20.09, Added
Article XX, Section 20.10, Added
Article XX, Section 20.11, Added
Article XX, Section 20.12, Added
Article XXIII, Section 23.09, Part C, Changed
Article XXIII, Section 23.10, Part A, Changed
Article XXIII, Section 23.10, Part A, Changed
Article XXIII, Section 23.11, Changed
Article XXIII, Section 23.12, Changed
Article XXIV, Section 24.02, Part A, Number 6, Changed
Article XXIV, Section 24.04, Part A, Changed

Article XXIV, Section 24.04, Part B, Changed
 Article XXIV, Section 24.04, Part C, Number 2, Changed
 Article XXIV, Section 24.04, Part C, Number 11, Changed
 Article XXIV, Section 24.04, Part C, Number 14.a, Changed
 Article XXIV, Section 24.04, Part C, Number 14.e, Changed
 Article XXIV, Section 24.05, Part B, Changed
 Chart 2, Changed

The Following Amendments were added after November 18, 1999

(Amendments are listed numerically and dates of changes are in parenthesis)

Article I, Section 1.04 F. – Minor Home-Based Businesses (November 13, 2008)
 Article I, Section 1.09-1.10 Severability and Conflicting Ordinance (August 14, 2008)
 Article II, Section 2.02, Definitions – Agricultural (August 11, 2005)
 Article II, Section 2.02, Definition of “Lots, Widths of” (April 11, 2002)
 Article II, Section 2.03, Definitions “Outbuildings” (June 17, 2004)
 Article II, Section 2.02, Definitions – Residential Yard Sale (May 11, 2006)
 Article II, Section 2.02, Definitions – Temporary On-Demand Storage Crates (August 16, 2007)
 Article II, Section 2.02, Definitions – Parking Lot (November 13, 2008)
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